



Glossary

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#

18B attorney: An attorney given to a person by the court. (County Law Sec. 18b.) See **assigned counsel**.

A

abandonment: 1. Family Court: When a parent leaves a child with little or no care or contact for a long time. 2. Divorce cases: A reason to give a divorce. When a husband or wife has left the other for no good reason for one year or more, and the other person did not agree. 3. Housing cases: When a person does something that shows he or she is not interested in the home and will not return. See **constructive abandonment**.

abrogate: To drop an old law by using another law or constitutional power.

Absent Without Leave from Foster Care (AWOL): 1. A youth is AWOL when a youth leaves his or her foster care home without permission. If the youth stays away for more than 90 days, he or she can be dropped from foster care and can lose some benefits. 2. In the military: When a soldier leaves his or her post without permission.

abstract of judgment: A short version of the court’s final decision. A lot of words left out.

abstract: A short version (summary) of a legal document. A lot of words left out.

accessory: A person who gives help to a person who commits a crime without directly committing it himself or herself.

accomplice: A person who commits a crime with another person. See **accessory**.

accounting: 1. A report listing all of the debt and assets of a person or thing (estate, company, corporation). 2. Surrogate’s Court: A report of the money spent, given out, and earned including any fees and unpaid bills. This includes support papers, like a will, receipts, bills, and taxes. 3. Surrogate’s Court: The name of the paper filed to show what money was spent or given out or earned in an estate, administration, trust, or guardianship. Must be filed by a fiduciary.

accrual: The total amount of money that is owed or that is late.

accusatory instrument: A paper filed with the court charging a person with one or more offenses.

accused: The person that is charged with a crime and has to go to criminal court. See **defendant**.

acknowledgment: 1. A person says that something is true. 2. A written statement signed in front of an official, like a notary public, who says the person signing who he or she claims to be.

Acknowledgment of Paternity: A voluntary written statement made by the mother and the biological father where they say that the man is the father of the child. A properly executed statement has the same effect as a court order.

acquit: A decision by a Judge or jury that the person on trial is not guilty.

ACS: Administration for Children’s Services. See **New York City Children’s Services**.

action: In court, when one person sues someone else to: 1. Protect or enforce a right, or 2. Stop something bad from happening or fix something, or 3. Punish him or her for a crime.

active status: A case that is in court but is waiting for a decision has active status. See **disposition, pending**.

ad damnum: Latin: “To the damage.” The amount of money claimed in a case.

ad litem: Latin: “For this lawsuit.” In this case only.

addendum: Another paper or words added to an original paper or set of papers.

Adolescent Offender: A 16 year old who is charged with a felony committed after September 30, 2018, or a 17 year old who is charged with a felony committed after September 30, 2019.

adjournment: To put off a court date until another time or place.

adjournment in contemplation of dismissal (ACD): A decision to put off a trial for a certain amount of time, usually six months. If the conditions of the ACD are met then the case is dropped.

adjudicate: When a Judge hears and decides a case.

adjudication: 1. The judge’s decision in a case. 2. The process of deciding a case.

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administration: 1. Management (officials) at the highest level of government or business. 2. Surrogate's Court: The proceeding that handles the estate of a person that died with no will (intestate). See **probate**.

administrative procedure: The way a government agency makes and enforces its rules and orders without going to court to do it. See **Article 78 proceeding**.

administrator: 1. A person appointed by the court to manage and settle the estate of a person who died without a will. 2. Where there is a will but no executor (a person in charge of the estate) is named, or the executor can't act, an administrator can be appointed to replace the executor (cun testamento anexo) or to complete (finish) what the will demands. (de bonis non).

admissible evidence: Statements, papers and other things that can legally be used in court to prove a fact.

admission: A statement by one side in a case that helps the other side. Compare with **confession**.

admonish: 1. To warn or scold. 2. To advise

admonition to jury: Instructions from a Judge to the jurors about: 1. What they must do and how they must behave, or 2. What evidence they can use to make their decision (called "admissible" evidence), or 3. How they can use that evidence to make a decision.

adoption: The legal placement of a child with new parents.

ADR (alternative dispute resolution): A way of helping people decide legal problems without a trial. **Mediation** and **arbitration** are types of ADR.

adultery: 1. When a husband or wife has any sexual act with someone who is not his or her husband or wife without permission. 2. A reason to grant a divorce.

adversary: An opponent. The person on the other side of a case.

adversary system: The court procedure in the United States and some other countries. This procedure, called trial practice, gives each side the chance to say his or her position in court.

adverse witness: A person called to testify for the other side.

affiant: A person who prepares and signs an affidavit (a legal paper).

affidavit: A written statement sworn to in front of someone legally authorized, like a notary public.

affidavit of service: A paper signed by someone not involved in a case saying that the papers were given (served) to another person who is named on the papers.

affirm: 1. To say that something is true or correct. 2. When a higher court decides that a lower court ruling is right.

affinity: The relationship of a person to his or her spouse's (husband or wife's) family. Related by marriage.

affirmation: A formal declaration that a statement is true. To lie is perjury and a person can be punished.

affirmative defense: A reason that would make a defendant not responsible, or not guilty in a criminal case, even if the claims are true. The defendant has to prove what he or she says is true; it's called the **burden of proof**.

aftercare: Community based services for a young person, his or her family, and/or guardian after a young person is let go from foster care. It provides services to help the young person to stay at home safely and to leave foster care and/or institutional settings.

agent: Someone that has permission to act for another. A representative.

aging out: A term referring to a young person who must leave foster care because he or she has become too old and does not have a permanent plan in place. See **permanency plan hearing**. Aging out can occur at 18 but the young person has to stay in "care" until 21. At 21 the young person will leave care except in rare cases.

agreement: An understanding between two or more people about their rights and duties to each other.

a.k.a.: A short way of saying "also known as." For example, President William Jefferson Clinton is also known as Bill Clinton, a.k.a. Bubba.

alias: A name used by a person that is not his or her legal name.

alibi: A claim that the person accused was somewhere else at the time a crime was committed.

alimony: Money the court orders you to pay to a spouse (husband or wife) or ex-spouse. See **maintenance** and **spousal support**.

allegation: A statement or claim that is made and has not been proven to be true or false.

allege: To say that something is true even if it has not been proven.

allocution: 1. Criminal Court: A statement by a convicted defendant before sentencing to try to shorten the time in jail. 2. In Civil Court: When a Judge reads an agreement on the record with the parties before accepting it. 3. A formal speech.

alternate juror: A person picked for a jury in case a juror needs to be replaced.

alternative dispute resolution (ADR): A way of helping people decide legal problems without a trial. **Mediation** and **arbitration** are types of ADR.

amend: To change or fix something.

amicus curiae: Latin: "friend of the court." Someone that gives advice to the court about what the law means in a case but is not part of the case.

ancillary proceeding: 1. A case that grows out of another case. It is filed in order to help in the original case, or to help change something. 2. Surrogate's Court: A case asking the court to appoint someone to manage the New York real or personal property of an out-of-state or foreign estate.

ancillary relief: Everything else that can be asked for in a divorce case on top of the divorce itself. For example, **maintenance**, sometimes called alimony, division of property, responsibility for debts or bills, child support, etc. See **equitable distribution**, **maintenance**, and **marital property**.

annul: To cancel.

annulment: A legal action that says a marriage was never legal because of mental problems, incest, bigamy, being too young to consent, fraud, force, or physical incapacity. Also called nullity of marriage.

anonymous: When someone's name is kept secret or is unknown.

answer: 1. A statement that a defendant writes to reply to a civil case and says what defenses he or she will use. 2. Housing Court: What a respondent says about the landlord/owner's claims. Usually verbal, but can be in writing.

appeal: A request to a higher court to check a lower court's decision to find out if it was right. The person who asks for the appeal is called the **appellant**. The other person is called the **appellee**.

appearance: 1. Going to court. 2. A legal paper that says you will participate in the court process.

appellant: Someone who asks a higher court to change a lower court's decision. A person who starts an appeal. See **appellee**.

appellate court: A court that can check how the law was used to decide a case in a lower court. In New York State the appellate courts are: The Appellate Term, the Appellate Division, and the Court of Appeals.

appellee: A person who is the respondent (the person defending) an appeal in a higher court.

APPLA: A Family Court definition that stands for "another planned permanent living arrangement." See **permanency planning goal** and **trial discharge**.

A&R statement: An accounts and records statement made by the **Support Collection Unit (SCU)** listing the payments made and money owed under an order of support.

arbitration: A way to settle issues outside the court where a person that isn't involved in the case acts as a Judge and makes a decision. See **mediation** and **neutral evaluation**. Usually this decision is final and can't be appealed.

arbitrator: A person who is not a Judge but can hear and decide a case.

archives: A place where old records and files are kept for safe keeping.

argument: A statement, reason or fact for or against something in a case.

arraignment: When a person who is accused of committing a crime is taken to court, is told about the charges, and is asked to plead guilty or not guilty.

arrears: Money that is overdue or unpaid. Usually used in reference to unpaid rent or child support.

arrest: Taking a person into custody because of criminal activity. A person can be taken into custody with or without a warrant. See **warrant**.

arrest warrant: See **warrant**.

Article 78 Proceeding: A Supreme Court case that can change an order made by an administrative agency, like NYCHA or Section 8.

Article 81 Proceeding: A Supreme Court case to name a person as the guardian of another who can't handle his or her affairs.

ascertain: To make sure. To find out if something is true.

assault: The threat or use of force that makes another person afraid or offended. See **battery**.

assigned counsel: An attorney assigned by the court to represent a party. See **18B attorney**.

assignee: A person or business who is given rights, powers or duties. Examples: A collection agency is an assignee who has the same rights as the person who was owed the money originally.

assignment of support rights: If a person gets public assistance benefits and then later on gets child support, part or all of the public assistance money must be repaid to the government.

Assistant District Attorney: A lawyer from the district attorney's office who prosecutes people on behalf of the public. See **District Attorney**.

attachment: 1. Extra documents added to court papers to give more information. 2. An order that says a person can collect a judgment by taking the other person's property.

attestation: The act of proving a document's truth by signing as a witness.

attorney: Someone licensed to represent clients in court and to give legal advice. See **counsel** and **lawyer**.

attorney for child: Lawyer assigned by the court to be a child's attorney.

attorney in fact: A person given "power of attorney" to act for another person.

attorney of record: The lawyer whose name is listed in a case file as representing someone in the case.

audit: When records or accounts are looked at to check that they are right and complete.

authenticated copy: A copy of an original writing that is certified or verified (sworn to) by a proper officer.

automated administrative enforcement of interstate (AEI) cases: Part of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) that lets states find, put a lien on, and take property from people in a different state that owe money.

award: 1. The amount of money given by an arbitrator or a jury in a judgment. 2. To give something by a formal act or a judicial order.



B

bail: A money deposit (usually cash) given to the court to release a defendant or witness from custody and to make sure that he or she comes back to court.

bail bond: A legal paper that a person buys from a bondsman and gives to the court instead of money. If the defendant doesn't come to court as ordered, the bondsman must pay the amount of money on the bail bond to the court.

Bail Bondsman: A person who gets paid to put up the money for bail to allow a witness or defendant to be released from custody. If the defendant or witness does not come to court as ordered, the bondsman must pay the amount of money on the bail bond to the court.

bail exoneration: When a Judge makes a decision that the bail money can be returned.

bail forfeiture: When a defendant doesn't return to court on time, he or she gives up the money (bail) that was deposited with the court to get free.

bail receipt: A written statement that the court gives a defendant that says bail was paid.

bail schedule: A list of the amount of money that is suggested for temporarily releasing people on different charges.

bailiff: A person that is in charge of security in the court. Also called a **Court Officer**.

bank levy: 1. A way to get money in a judgment against someone. 2. The money that is taken from debtor's bank account.

bankruptcy: A court case started by a person who can't pay his or her debts asking the court to allow him or her to not pay the debts back.

bar: 1. To block or stop something or someone. 2. The group of lawyers permitted to practice law in a state.

barratry: Making a habit of starting fights or lawsuits. Starting lawsuits without a good reason.

battery: The use of force on a person that causes harmful or offensive contact without his or her permission. See **assault**.

bench: 1. The desk where a Judge sits in court. 2. Judges in general or a specific Judge can be called "the bench".

bench conference: A meeting with the attorneys and the Judge at the judge's bench to talk about something in the case. It may or may not be a part of the official record.

bench trial: Trial without a jury where the Judge decides the case.

bench warrant: An order given by the Judge (or "bench") to arrest a person when he or she did not appear at court. See **warrant**.

beneficiary: 1. A person who can receive something because of a legal arrangement or document. 2. Surrogate's Court: Any person who can share in an estate.

bequest: A gift in a will of money or other property.

best interest of the child (BIC): The standard that courts use to decide who will take care of the child. Some factors that courts look at are: the age and health of the child, the emotional ties between the parents and the child, the ability of the parents to care for the child, and the child's ties to school, home, and the community.

bifurcate: 1. To separate. 2. A case where the responsibility of a person is decided before the amount of money is awarded.

bill of costs: The list of specific expenses included in a judgment on top of the money already given.

bill of particulars: A formal list of statements that clarify or detail the charges and/or facts in a case. Usually given after a request is made.

bind: To make yourself or someone else legally responsible for something.

bind over: A judge's decision before a trial that says there is enough evidence for a trial.

blood test: An examination someone's blood sample. This is usually used to see how much of a certain chemical is in the blood or to see who is the parent of a child. See **genetic testing**.

bona fide: Latin: "In good faith." Sincere, real, without lies. True

bond: 1. A guarantee that a person will do something. A promise. 2. A written promise to pay money or do something if something happens or a certain amount of time passes.

book (booking): The steps taken by the police when someone is arrested. Includes taking fingerprints, photographs, and writing down personal information about the person.

breath test: Examining someone's breath to see how much alcohol is in his or her body. Sometimes called a Breathalyzer test.

brief: 1. A written statement that each side gives the court to say why the court should decide in his or her favor. 2. A short amount of time.

burden of proof: A person's duty to prove the truth of his or her claim.

burglary: When someone unlawfully breaks into or enters a building or home to commit a theft or other serious crime (felony).



C

calendar: A daily list of all the cases to be heard in a courtroom. "To calendar" something means to give a day, time, and courtroom to a case.

calendar call: The calling of the names of the cases listed on the calendar by the clerk. Usually done at the beginning of the court day.

calendar number: The number assigned to a case when the case is scheduled for trial by the court. It is different from the index number that is given when the case is filed with the clerk. A separate fee is charged for the calendar number.

caption: What is written at the top of all court papers. It says things like the names of the parties, court, and case number.

case: 1. A lawsuit. 2. A complaint filed in any court. The folder that has the official court papers **case file:** for a case.

case conferencing: a case is conferenced with both sides and the judge or the judge's court attorney to try to settle the case before going to trial.

case law: Law made by other decisions in similar cases.

case number: Identification number that the court clerk's office gives a case. This number is on all papers filed in the case. Also called **docket number** or **index number**.

caseload: The number of cases a Judge has to hear.

caseworker: Family Court. A person assigned to help families and, if a case is started, to testify about what he or she did to help. Caseworkers may work for a government or a private agency.

cashier: Court employee who can accept payments for services.

cause of action: 1. A group of facts used as a reason to sue. 2. Grounds that say a case can be started. 3. The charges (or "counts") that are in the case or lawsuit.

caveat emptor: Latin. "Let the buyer beware." The idea that a person buys things at his or her own risk.

certificate: A document where a fact is formally sworn to and has an official seal. Example: A death certificate.

certificate of compliance: Document required by the New York City Housing Maintenance Code for the landlord/owner to certify that violations have been corrected.

certificate of disposition: An official court document that says the status of a case or its final result.

Certificate of Good Conduct: A certificate from the state board of parole to eligible persons who have two or more felony convictions and any number of misdemeanor convictions. It clears barriers from state or municipal law, and is the proof of rehabilitation that an employer is required by law to consider when a person applies for a job.

certificate of readiness: A paper given to the court saying that you are ready for trial.

Certificate of Relief from Civil Disabilities: May be granted by the Court to a defendant who has been sentenced to a revocable sentence (probation, conditional discharge, etc.) or sentence that is not a commitment to a state correctional facility. The certificate removes any bar to his or her employment that was imposed by law because of his or her conviction. Application for a certificate can be obtained at the clerk's office of the court where the sentence was given.

certification: 1. Criminal Court: A judge's order to move a criminal case to another court in a different county. 2. The act of certifying. See **certify**.

certified copy: An official copy of a paper marked as being a true copy of the original. If from a governmental agency it will usually have a seal.

certified statement: A statement which has been sworn to as true in front of a Notary Public.

certify: To swear to the truth in writing.

certiorari: Latin: "To be more fully informed." An action used to review the decision or action of a public official or agency. Now under Article 78 of the CPLR.

challenge: Someone's objection or argument against something in a legal case.

challenge for cause: Reasons that a lawyer gives for removing a juror or Judge from a case. See **peremptory challenge**.

chambers: A judge's office.

change in circumstances (CIC): Family Court: Words often used to explain a change in a court order.

change of venue: When a civil or criminal case is moved from one court's jurisdiction to another. See **venue**.

charge: Criminal Court. Verb. To accuse a person of a crime. Noun: The formal accusation of a crime before prosecution listing the offenses. See **count**.

charge to the jury: In a trial, a statement to the jury by the Judge telling it what principles of law to use in the case.

charge-off statement: is a declaration by a creditor (usually a credit card account) that an amount of debt is unlikely to be collected. This occurs when a consumer becomes severely delinquent (late) on paying a debt. Usually, creditors make this declaration at the point of six months without payment and the account will be closed to future use, although the debt is still owed.

chattel: A piece of personal property. For example, a car or a bracelet.

child/minor: A person under 18 years of age. A youth in foster care may be referred to as a "child" by the court until he or she leaves foster care, which can occur as late as 21 years old.

child abuse: Hurting or allowing someone to hurt a child physically, sexually or emotionally.

child advocate: Someone with special training appointed by the court to help a child in a case.

child custody: The care, control, and maintenance of a child given by a court. Custody can be given to a relative, but usually it's given to one of the parents. This term is also used to describe who the child lives with.

child custody evaluation: An investigation and analysis by an expert of the health, safety, welfare, and best interests of children (BIC). It is ordered by a court to help solve custody and visitation arguments.

child maltreatment: See **child abuse** and/or **child neglect**.

child neglect: When a person legally responsible for the care or custody of a child does not give proper care. For example not giving a child enough food, shelter, clothing, education, and or medical care. Neglect can be physical or emotional. Also known as a "NN Petition."

Child Protective Services: The state agency that acts on the reports of child abuse and neglect. In NYC that agency is the Administration for Children's Services (ACS).

child support: Money paid by a parent to another to help support a child or children after a separation.

child support enforcement (CSE) agency: This is the agency in every state that makes, enforces and changes child support. It also looks for parents that don't have custody (called "noncustodial parents," or "NCPs"), or to find the person assumed to be the father of a child (called a "putative father," or "PF"). It collects and gives out child support money, and is also known as an "IV-D agency." See **IV-D**.

Child Support Standards Act (CSSA): The law that determines the amount of child support to be paid.

Child Support Enforcement Term of the Family Court (CSET): A special section in the New York City Family Court located in New York County which handles child support and paternity when the child requiring support receives public assistance. CSET makes and enforces these child support and paternity orders.

circumstantial evidence: Testimony not based on personal knowledge or observation of the facts in the case.

citation: 1. A court order or summons that tells a defendant what the charges are. It also tells the defendant to go to court and/or post bail. 2. Surrogate's Court: The process by the court to get jurisdiction over someone and give him or her notice of the proceeding. 3. A group of numbers and letters used to find a case in a law text book or legal reference.

cite: 1. When a defendant who is not in custody must go to court on a certain day. 2. To refer to something as important authority in a case. Lawyers often cite past cases as examples of decisions that help in their argument now.

civil case: A lawsuit for money, to get property back, to force someone to complete a contract, or to protect someone's civil rights.

civil jurisdiction: A court's right or power to hear noncriminal (civil) cases.

claim of exemption: A claim by the judgment debtor that the law stops certain property from being taken to pay the judgment.

claim splitting: When you divide a civil case into two lawsuits to stay below the amount you are allowed to sue for.

clerk: A court official who handles filings, motions, pleadings, etc.

Clerk of the Court: A person authorized by law to administer (give) oaths and sign the process or mandates of the court. May be known as the Chief Clerk.

codes: A set of laws, rules or regulations.

codicil: A legal paper that adds to or changes a will.

cohabitation: To live with, and usually have sexual relations with, another person.

collaborative law: A way to solve conflicts without going to court. Both sides have a lawyer, but they agree not to go to court. A type of **ADR**.

Community Dispute Resolution Center (CDRC): Organizations that give people with conflict different ways to work out their issues without going to court. See **Mediation** and **Arbitration**.

commingle: When someone mixes properties or money intended for different purposes into a common fund or bank account.

Commissioner of Jurors: The person in charge of telling people that they have to do jury duty.

commit: 1. To do something, for example, a crime. 2. To put someone in custody. 3. To use a court order to send a person to jail.

commitment order: A court order that says a person must be kept in custody, usually in a jail or mental institution.

common law: 1. Laws that come from court decisions and not from statutes ("codes") or constitutions. 2. The body of law which began in England on where U.S. law came from.

compensatory damages: Money that one person must pay another to cover the cost of a wrong or injury. For example, in car accident, the cost of fixing the car. See **damages**.

competence order: An order from a court saying a person is mentally able (understands enough) to take part in a court case.

complainant: Person that starts a court case against another person. In a civil case, the complainant is the plaintiff. In a criminal case, the complainant is the State.

complaint: is a written statement that starts a case. It states what the plaintiff says the defendant did and it asks the court for relief (help). It is also called the initial pleading or **petition**.

compliance hearing: Hearing to find out if the repairs were made in an HP case.

compulsory: Required by legal process or by law.

concur: A "concurring" opinion agrees with the decision of the majority either for the same or for different reasons. See **opinion** and **dissent**.

concurrent jurisdiction: When two or more courts can hear the same case.

concurrent sentences: Sentences that can be served at the same time. For example, if a person has concurrent sentences of 10 years and 5 years, he or she can serve a total of 10 years. Compare with **consecutive sentences**.

condemnation: 1. The act of finding a person guilty in a court. 2. The taking of property for public use.

conditional discharge: A sentence given by a Judge that orders a person to do or not do certain things while they are released. For example attend a drug treatment program or not breaking any more laws.

confession: When someone admits, out loud or in writing, that he or she committed a crime. Compare with **admission**.

confession of judgment: A way to get a judgment without having to start a lawsuit. The person or corporation confessing the judgment signs an affidavit agreeing that an amount of damages is owed.

Confidential Personal Information (CPI): Things that may be removed from court papers to protect a person, like, social security numbers, birthdates, and tax information. See [NYCRR number 202 section 5\(e\)](#).

confidential record: Information in a court case that can't be seen by the public. See **public record**, **sealed record**.

confidentiality and privilege: The right to have a lawyer keep his or her client's information private and not share it with others. There are three exceptions: 1. If the lawyer thinks his or her client is going to commit a crime and he or she cannot stop the client. 2. If the lawyer believes his or her client is going to hurt him or herself. 3. If the client has told a lie in court after he or she has sworn to tell the truth.

conformed copy: A copy of a document where changes have been made to make it the same as the original.

consecutive sentences: Sentences that are served one after the other. For example, if a person has consecutive sentences of 10 years and 5 years, he or she must serve a total of 15 years. Compare with **concurrent sentences**.

consanguinity: Relationship by blood. A blood relative.

consent to marry (M Petition): The marriage of a minor, who is at least 14 years and less than 16 years old. It must be approved by the court.

conservatee: Someone that can't take care of him or herself and has a caretaker (called the "conservator") picked by the court.

conservator: Someone picked by the court to either take care of someone that can't take care of him or herself (called a "conservatee") or take care of the property of the conservatee, or both.

conservator of the estate: A person or business picked by a Judge to handle the financial matters of a person when the Judge decides that the person (called the "conservatee") can't do it.

conservator of the person: A person or business picked by a Judge to care for and protect a person when the Judge decides that the person (called the "conservatee") can't do it.

conservatorship: A court proceeding where a Judge appoints a caretaker for an adult that is unable to care for him or herself.

consolidation of actions: When at least two cases that involve the same issues of law are put together and become one case. One judgment will cover all parties.

constitution: The central law of a country that sets up the creation, character, and organization of its power and how that power is used. The rules and principles, descriptions of the government's power, and the main rights that the people of a country or state have.

constructive abandonment: A reason to grant a divorce. This happens when one party refuses, without reason, to have sexual relations with the other for at least one year. See **abandonment**.

constructive eviction: When a tenant can't use part or all of an apartment because of something the landlord/owner has done or allowed.

Consumer Credit Protection Act (CCPA): Federal law that limits how much money can be taken from someone's paycheck to pay for child support. States can set their own limits as long as these limits are not higher than the federal ones.

contempt: When doing or not doing (or saying) something prevents justice or hurts the honor, respect, or authority of the court. This includes ignoring or disobeying a Judge or a court order. Contempt can be for something that was not done on purpose (Civil Contempt) and can be punished with fines and/or jail until the order is followed. It can also be on purpose (Criminal Contempt), and is punishable by jail up to 30 days even if the order is followed.

contested action: A case where the parties don't agree on the facts or the law. unintentional

contested divorce: A case where a person doesn't want the divorce action. This means that the parties can't agree on the terms of their divorce.

continuance: Putting off a court case to a later date. See **adjournment**; compare with **recess**.

continued: Postponed, or put off to a later date.

continuing exclusive jurisdiction: The idea that only one support order exist between the same people at one time, even when they are in a different State. The **court of continuing exclusive jurisdiction (CCEJ)** has control over a support case until another court takes it away. This is defined in the Uniform Interstate Family Support Act (UIFSA). See **Uniform Interstate Family Support Act**.

contract: An agreement between two or more people to do or not to do something. It can be oral (verbal) or written (on paper).

convey: 1. To give the title to property to another. 2. To make known or communicate.

conviction: In a criminal case. A finding of guilt either by plea or by trial.

coram nobis: Latin: "Before us, in our presence." A legal paper that is used to tell the court about mistakes in the facts of the case.

corporation counsel: The Chief attorney of New York City's Law Department. The Law Department represents the city, the mayor, and various government agencies in court, juvenile delinquency cases in Family Court and administrative code enforcement in Criminal Court.

corroborate: To help prove a statement or argument with more facts or evidence.

costs: 1. Fees and charges that a person paid to file a court case or to enforce a judgment. 2. Statutory costs: Money added to a judgment in a civil suit to pay for expenses.

counsel: 1. Noun: A lawyer or attorney. 2. Verb: To advise or help.

count: Each separate charge (or statement) in a case. See **charge**.

counterclaim: A claim made by the person sued in a case against the person who started the case. A counterclaim can be for a new claim or for something connected to the other side's claims. Compare with **cross-complaint**.

County Clerk's Office: The office where a person can pay for an index number and calendar number for a court case, and court papers, records of property and other official records are filed and kept.

court: 1. The place where cases are heard. 2. A Judge or group of Judges whose job it is to hear cases and carry out justice. See **bench**.

court attorney referee: An official judicial officer that can hear and decide cases sent by a judge.

court clerk: See **Clerk**

court interpreter: See **interpreter**.

court liaison officer (CLO): Probation officer assigned to Family Court. It is sometimes used to describe ACS case workers assigned to the court or a courtroom.

Court of Appeals: The highest court in New York State. It has one Chief Judge and six Associate Judges, each serves for 14 years. As New York's highest appellate court it normally deals with big issues of law, not individual cases.

court officer: Court employee in charge of security in the courthouse.

court order: A legal decision made by a court that says something is to be done or not done. It can be made by a judge, commissioner, court referee, or magistrate.

court record: All papers filed with the court in a case. For example, the summons and complaint, a judgment, any transcripts, etc.

court reporter: Someone that writes down, word for word, what is said in court. They generally use a stenographic machine, shorthand, or a recording device. You can ask for a copy of this record.

court stamp: A raised seal, press or stamp that prints or stamps a seal on court papers. It might say the name of the judicial district or the consolidated city and county. You can read the stamp in photocopies.

court trial: A trial without a jury. A Judge decides the case.

C.P.L.R.: Civil Practice Law and Rules: The New York State law that gives procedure for civil cases.

creditor: A person or business that is owed a debt (usually money). See **judgment creditor**.

crime: An act that breaks a law where you can be punished. A crime can be a misdemeanor or a felony. If you are found guilty, you can be punished by going to jail or prison, fined or be removed from office.

Crime Victim Assistance Fee: A fee imposed by the State on a defendant who is convicted of a felony misdemeanor or violation.

criminal: Someone that has been convicted of a felony or a misdemeanor.

criminal case: A court case that starts because of a criminal crime.

Criminal Justice Agency (CJA): A NYC agency that interviews defendants after arrest and makes recommendations about bail.

Criminal Offense: See **Offense**.

Criminal Procedure Law (CPL): A set of laws that lists the procedures to be followed in criminal cases in New York State.

cross-complaint/cross-claim: A claim filed by co-defendant(s) or co-plaintiff(s) against each other. Compare with **counterclaim**.

cross-examination: The questioning of a party or witness by the other side in a trial, hearing, or deposition.

cruel and inhuman treatment: Physical, verbal, sexual or emotional abuse by one person against the other, that harms a person's physical or mental health. A reason to grant a divorce.

custodial parent: The parent who takes care of the child every day, and has physical custody and control of the child.

custody: 1. Legal or physical control of a person or thing. 2. The care and control of children. See **child custody**. "Legal custody" is the right to make major decisions affecting a child. "Physical custody" is the day-to-day care of a child under the age of 18. 3. A type of case asking for care and control of a child. This is the same kind of case used to get visitation by the parent who does not have custody. 4. When the court puts a person in prison after he or she is found guilty of a crime. 5. When the court keeps someone to make sure he or she appears in court.

custody mediation: A voluntary and confidential meeting with a trained neutral person who helps parents try to agree on a parenting plan for their children.

custody order: A court order that says who a child will live with and who will make decisions about health care, education, and other important things.



D

damages: Money that the losing side must pay to the winning side to make up for loss or injuries. There are two kinds of damages: 1. "Compensatory," means money to pay for the actual cost of an injury or loss. 2. "Punitive" or "exemplary," means an amount of money that is in addition to the actual damages. This is a punishment for bad acts someone does on purpose.

de novo: Latin: "To start again" A new trial. See **trial de novo**.

debtor: A person or business that owes money. See **judgment debtor**.

decendent: A dead person.

decision: A court's judgment or decree. See also **decree** or **judgment**.

declaratory judgment: A statement by the court about the rights and legal relationships of the parties. This order does not say that anything is to be done.

decree: A court decision or an order.

deed-in-lieu of foreclosure: To avoid going through a foreclosure, the borrower voluntarily turns over the deed to the property to the lender. In exchange, the lender agrees that the borrower does not owe any additional debt -- allowing him/her to walk away from the property without a deficiency judgment, and

without a foreclosure sale on his/her credit report.

deem: 1. To consider, think or judge. 2. To treat something as if it was really something else. For example: "The paper was deemed filed on July 5th, but it was really given to the clerk on July 12th."

defamation: When a person hurts another person's character, fame, or reputation by making false and mean on purpose statements.

default: When someone does not answer, go to court, or do what he or she is supposed to do by a specific time after being properly notified. This is called being "in default."

default judgment: A court decision in favor of one side when the other side does not answer or go to court on the court date. In Housing Court it can allow the eviction of the respondent.

defendant: In a civil case, the person, corporation or organization sued by the plaintiff. In a criminal case, the person accused of the crime. In Housing Court this person is called the respondent.

defense attorney: In a criminal case, the lawyer that represents the accused person (called the "defendant").

defense: In a civil case, the facts or arguments given by the defendant to show why the plaintiff should not win. In a criminal case, the reasons why a defendant should not be convicted of the charge(s).

deficiency: After a foreclosed property is sold at auction, the money from the sale go to the lender and other lien-holders. If the sale price does not cover the amount owed, the amount still owed to the lender is called a deficiency.

delete: To omit, leave out, or remove.

deliberate: 1. Intentional, on purpose, planned. 2. Slow in deciding. 3. Carefully considering issues and opinions before making a decision or taking some action. 4. To consider all the evidence and arguments related to a case that were presented in court.

deliberation: 1. When a jury goes into the jury room to discuss the evidence and testimony and agree on a verdict. 2. The act of carefully considering issues and opinions before making a decision or taking some action.

delinquent: 1. Failure to perform a duty or obligation. 2. A person guilty of serious anti-social or criminal behavior. 3. Past due. For example, a bill not paid on time.

demand: In non-payment proceedings: The requirement that the landlord/owner ask the tenant for the rent before beginning a proceeding.

demurrer: When a defendant says that the facts presented, even if true, are not enough to prove his or her responsibility.

Department of Housing and Community Renewal: (DHCR) New York State agency which regulates residential housing, rent stabilization and rent control

Department of Juvenile Justice (DJJJ): A New York City agency responsible for the Non-Secure (NSD) and Secure detention (control) of juveniles whose cases are waiting for the Family Court or waiting for transfer to other facilities.

Department of Probation: The county or city agency that is responsible for the supervision of convicted criminal defendants.

Department of Social Service (DSS): See **Human Resource Administration**.

dependent: 1. A person who is supported by another. 2. In law, this usually means a child that is financially supported by another person. In juvenile law, this means a minor (under 18) that is in the custody of the court because he or she was abused, neglected, or molested or is physically dangerous to the public because of a mental or physical condition.

deponent: A person who swears under oath to tell the truth.

deposition: 1. The sworn testimony of a witness. 2. The taking of written or oral testimony under oath in front of an authorized third person like a court reporter. Depositions usually take place outside of court. Depositions are also known as examinations before trial (EBT). See **discovery**.

designated felony acts (E Petition): Certain serious violent-act crimes committed or allegedly committed by a 13, 14, or 15 year old.

designated felony: An act committed by a person aged 13,14 or 15 which, if committed by an adult, would be classified as one of the following: murder, kidnapping, arson, assault, manslaughter, rape, criminal social act, or robbery.

desk appearance ticket (DAT): A written notice given by a police officer to a person arrested telling him or her to appear in court at a later date.

detention: When a person is temporarily jailed until the court makes a final decision.

determination: The judgment or decision made by a court or administrative agency.

devise: A gift or transfer by a will of property.

devisee: A person receiving property from a will.

dictum: A part of a written opinion in a court case that is related to the case, but not needed to decide it. It can't be used as **precedent** in future cases.

direct examination: When a witness answers questions asked by the party that brought him or her to testify (speak) under oath. Compare **cross-examination**.

direct income withholding: A procedure that orders an employer in another state to hold support money from an employee's paycheck without having to go through the IV-D agency or court system in that state. With this order, withholding can start right away, unless the obligor doesn't agree, and no court pleadings are required. See also **income withholding**, **wage withholding**, **obligee**, **obligor**.

directed verdict: An instruction to the jury by the Judge telling it what to decide.

disbursement: The paying out of money.

disbursements: Out of pocket expenses given to the winner in a judgment.

discontinue: When the party who starts a case decides to end it.

discovery: The gathering of information (facts, documents, or testimony) before a case goes to trial. Discovery is done in many ways, like through depositions, interrogatories, or requests for admissions.

discrimination: Denying a person rights or privileges because of a person's race, color, religion, sex, sexual orientation, national origin, ancestry, source of income, age, disability, if the person is married, or if there are children under the age of 18 in the person's home. Discrimination also can be refusal to make reasonable arrangements for a person with a disability.

dismissal: An order that ends a case.

dismissed with prejudice: When a court ends a case and will not allow any other case to be filed using the same claim in the future. Cases dismissed with prejudice can be appealed.

dismissed without prejudice (DWOP): When a court ends a case but will still allow another suit to be started using the same claim.

disposable income: What's left of an employee's income after making legally required deductions, like taxes. Disposable income is used to decide how much of the employee's pay will be taken for a garnishment, attachment, etc.

dispose: To end a case.

disposition: The final decision in a case.

dispositional hearing: The hearing where a Judge or referee decides the best way to help a child who has been abused or neglected. At this hearing the Judge or referee may ask a caseworker to help the child and the child's family and may decide where the child should live.

disqualification: When a Judge decides (usually voluntarily) not to hear a case. In most cases, this decision has to do with a judge's other interests that may influence if he or she can decide the case in a fair way.

dissent: A "dissenting" opinion disagrees with the majority opinion because of the reasoning and/or the principles of law the majority used to decide the case. See **opinion** and **concur**.

dissipation: In a divorce when one party uses an asset badly, like when one party uses property for personal benefit just to keep the other spouse from having and enjoying the asset.

dissolution of marriage: A judgment that puts people in the state of being single again. Compare **nullity**.

distributee: A person who has a right to share in an estate.

District Attorney: The chief prosecutor who has the official duty to conduct criminal cases for the public against the people accused of committing crimes. He or she is the public's attorney.

diversion: 1. A change in the way things usually work. For example, using money for an unintended purpose. 2. A program a defendant goes to instead of going to jail. The defendant is supervised by a probation officer. When the defendant finishes the program, the charges can be dismissed. Compare **electronic surveillance**, **home detention**.

Division for Youth: The state agency that maintains secure and non-secure detention facilities of the placement of juveniles. It also oversees the certification and operation of these facilities. See **Juvenile**.

divorce: The legal ending of a marriage by the court.

docket: A record with the complete history of a case.

docket number: A number that identifies a court case. In Criminal Court the first two numbers show the year that the case was filed. The third character* is a letter that shows the county, and the last six numbers show the specific case. See **index number**.

*N= New York (Manhattan); K= Kings (Brooklyn); Q= Queens; X= Bronx; R= Richmond (Staten Island); C= Midtown Community Court.

domestic relations law (DRL): The New York State laws that are used for divorce and other related marriage actions and proceedings.

domicile: A person's main or permanent home.

domiciliary: A person who has his or her main or permanent home in a particular location, like New York State.

Drug Court: A court that hears only cases involving non-violent drug offenders. These offenders are then sentenced to rehabilitation programs that are under the supervision of the court.

Dunaway Hearing: A hearing to ask the court to suppress evidence. It is based on the idea that the police got this evidence during an illegal arrest. This hearing happens at the same time as a Mapp, Huntley, or Wade hearing.

due process: The duty of government to follow rules in legal proceedings. The U.S. Constitution guarantees due process. This means that a person may not have life, liberty or property taken away without his or her day in court.



E

e-filing: 1. Electronic Filing. 2. A system for the court to get documents over the internet rather than by mail, fax or having them handed into the court.

earning capacity: What a person can expect to earn because of the person's talent, skills, age, health, training, and experience.

easement: The right of a person to use the land of another person for a special purpose.

economic infeasibility: A defense by a landlord/owner saying that the cost of fixing violations and restoring the place in an HP action is more than the place is worth.

egregious: Extremely bad or shocking.

electronic filing: A system for the court to get documents over the internet rather than by mail, fax or having them handed into the court.

electronic funds transfer (EFT): Electronic movement of money.

electronic surveillance: Use of an electronic device to keep track of where a sentenced person is and to limit his or her activities, rather than putting the person in jail. See **home detention**.

emancipation: A legal way for children to become adults before they are 18. When a child is emancipated, his or her parents don't have custody or control of him or her anymore. See **unemancipated children**.

eminent domain: The right of the state to take private property, without the owner's agreement, for public use after giving fair payment to the owner.

en banc: French: "On the bench." Court sessions where all the Judges of a court participate, instead of the usual number. For example, the U.S. circuit courts of appeals usually use panels of three judges, but all the Judges in the court can decide certain matters together. When that happens, they are sitting "en banc."

endorse: To sign your name on a document to accept or transfer its contents. For example, a check that is endorsed (signed) to transfer money to a bank.

endorsed-filed copies: Copies of court papers that are stamped to show when they were filed. Compare with **certified copy**.

enforce: To take legal steps to make sure someone obeys a judgment.

enjoin: To make someone do or not do something.

entrapment: 1. The acts by agents of the government to get a person to commit a crime. 2. A defense that a person would not have committed a crime but the agent's lie or encouragement made them do it.

entry of judgment: Signing and filing of a judgment by the clerk.

equitable action: 1. To deal fairly and equally. This means not only a fair decision based on the law, but also a judgment with common-sense ideas of fairness and justice. 2. Describes civil suits in "equity" instead of in "law." In the legal history of England, courts of "law" could order only the payment of damages. Courts of "equity" could order someone to do something or to stop doing something. See **injunction**. In the American legal system, courts have power both in law and in equity. Usually, there can be trial by jury in "law" cases but not in "equity" cases.

equitable distribution: The way marital property must be divided by law in New York State in a divorce. See **marital property**.

equity: 1. Fairness; impartiality; even-handed dealings. 2. A system of law that supplements the statutory and case law and is based on principles of what is "fair and right."

escheat: The right of the State to take property of someone who dies when there is no one to inherit it.

escrow: A deposit (a deed, a document or money) with a third party (like a bank) to be held until some condition is met.

estate: All the property of an adult, a child, a trust or someone who has died.

estop: To stop, bar, or impede.

estoppel: 1. An act or statement that keeps a person from saying something opposite from what was said before. 2. The principle that keeps a person from going against what the court has said is true.

et al: Latin: "And others." Refers to the other parties that are not listed in the formal name of a court case.

et ano: Latin: "And another."

et ux.: Latin: "And wife."

eviction: 1. Removal of a person and his or her personal property from a place. See **warrant of eviction**. 2. A court case to remove a tenant or occupant from a rental unit because he or she has violated the rental agreement or did not follow the notice asking him or her to move. See **unlawful detainer**.

eviction notice: A notice that a sheriff or a marshal gives to a tenant or occupant telling him or her that he or she will be evicted by a certain date.

eviction proceeding: Any case that may result in the eviction of the person who is being taken to court.

evidence: Any proof legally presented at trial by witnesses, records, and/or exhibits to prove a fact.

ex parte: Latin: "From one side only." A motion or statement made to the court by one party without notice to the other side

examination before trial: (EBT) An interrogation (interview) of the a person outside of the court before the trial.

execute: 1. To perform or carry out all terms of a contract or court order. 2. To make valid by signing (a document). 3. To kill.

execution of judgment: Legal process of enforcing a judgment, usually by taking and/or selling property of the person who owes.

execution of the warrant of eviction: The removal of the occupants of a place by a marshal or sheriff.

executor: A person named in a will and appointed by the court to carry out the will's instructions and handle financial matters.

exemplification: An official transcript of a public record, recognized as a true copy for use as evidence.

exempt assets: Property of a person that owes money that is legally protected from being taken to pay the judgment.

See **claim of exemption**.

exhibit: 1. When a document or an object is used as evidence in a case. 2. A document attached to and part of other court papers.

exonerate bail: When the court returns money or property to the defendant or bondsman. See also **bail exoneration**.

exonerate: 1. To clear of blame or to relieve from responsibility. 2. To remove a lien from a property, for example, to pay off a mortgage.

expert: A person who, through education or experience, has skills or knowledge of a subject which allows him or her to testify before the court.

exploration of placement (EOP): An order by the court to the probation department in a juvenile delinquency or PINS case to find a place to keep a child before a final decision.

expulsion: To force out.

expunge: 1. To remove or erase. 2. The authorized act of removing and destroying information in files, computers, and other places where they may be held. 3. In New York, some marijuana possession convictions can be expunged.

extra judicial surrender: A document where a parent gives up his or her right to a child in writing in front of witnesses and in an authorized agency, not the court.

extradition: Taking a person in custody from one jurisdiction to another.



F

fact-finding hearing: A hearing where it will be decided if the charges are proven (true). In a Family Court fact finding hearing information or evidence is presented to show that a child has been abused or neglected.

false arrest: An arrest that is made with no legal authority.

Family Court: Family Court in New York State has the authority to hear cases involving adoption, child abuse and neglect, foster care approval and review. Family Court also hears cases about guardianship, PINS (Persons in Need of Supervision), juvenile delinquency, child support, custody, visitation, spousal support and family offenses (Orders of Protection), etc. Divorce actions are heard in Supreme Court.

Family Court Legal Services: Office in the Administration of Children Services that gives legal services for cases brought by the Commissioner of Social Services.

family offense (O Petition): A proceeding in the family court saying that a person has been hurt, threatened, harassed or stalked by someone who is related to him or her by blood or marriage (or former marriage), or are in an intimate partner relationship or who have a child together.

Family Treatment Court (FTC): A special program to help respondents and their children get back together and stay together. This program is for people who have a neglect case against them with alcohol or substance abuse claims.

family tree: A chart showing family relationships, like grandfather, father, mother, cousins, etc.

family violence indicator (FVI): "FVI" means a person was involved with child abuse or domestic violence, and the location of a parent and/or a child that is at risk of family violence can't be revealed. The Federal Case Registry (FCR) uses this term to identify a person involved in a family violence case or order in another state.

FAPE: Stands for a "free, appropriate public education." Used to describe special education rights that must be made available to people with disabilities.

Federal Case Registry (FCR) of Child Support: A national database of information on all people with IV-D (called "4 D") cases and people with non-IV-D orders that were entered or changed on or after October 1, 1998.

federal employer identification number (FEIN): 9 numbers given to all employers by the Internal Revenue Service (IRS). This is used for collecting child support from a parent's paycheck.

Federal Parent Locator Service (FPLS): This helps state and local child support enforcement agencies locate alleged fathers and parents that do not have custody of their children. The information is used to establish custody and visitation rights, establish and enforce child support payments, investigate parental kidnapping, and process adoption or foster care cases. A computerized national network and database run by the federal Office of Child Support Enforcement (OCSE) of the Administration for Children and Families (ACF). FPLS collects address and employer information, and information on child support cases in every state; compares them; and gives this information to the proper authorities in the states involved.

federal question jurisdiction: The power of the federal courts to hear a case if it involves federal law, like the U.S. Constitution, acts of Congress, and treaties.

Federal Tax Refund Offset Program: A federal program that collects overdue child support payments from parents. The program can take a parent's federal income tax refunds or federal retirement benefits.

fee: Money that is paid for a service, like filing a court paper. Fee Dispute Resolution Program.

fee waiver: Permission not to pay the court's filing fees. People with very low income can ask the court to allow them to not pay the fee.

felony: A serious crime that can be punished by more than one year in prison. Compare with **infraction** and **misdemeanor**. Felonies are divided into five classes: A, B, C, D, and E felonies. Class A felonies carry the longest jail sentence. Class E felonies the shortest jail sentence.

FET (Full Evaluation and Testing): Court ordered psychological and or psychiatric examination.

fiduciary: 1. Adjective: A high standard of care. 2. Noun: A person who must use a high standard of care when he or she manages another person's money or property, like a trustee.

file: 1. When a person officially gives a paper to a court clerk and that paper becomes part of the record of a case. 2. A court's official record of a case.

filed-stamped: A mark that shows when the court got a document. See **endorsed-filed copies**.

filiation: When a court decides who the father of a child is. See **paternity**.

filing fees: Money you pay the court clerk to accept (or "file") a complaint or petition, that starts a civil case, or other court papers, like motions and answers.

final discharge: When a youth is released from foster care and a government agency has no legal custody or authority over him or her. This usually happens when a youth turns 21 years old or when the trial discharge period ends. Youths must be at least 18 years old to be released, unless he or she is returning home.

finding/finding of fact: When a Judge or jury says something is a fact because of the evidence.

fine: The money a person must pay as punishment for doing something illegal or for not doing something they were supposed to do.

fingerprints: A person's unique finger. These marks used to identify people.

fingerprint report: A written record of an arrested person's prior criminal history. This includes fingerprints and other biological data, commonly called a "rap sheet."

forbearance: In a foreclosure case a forbearance is an agreement between the lender and borrower where the borrower pays a lump sum of money up front, and then enters into a payment plan for the remainder of the money owed.

foreclosure: 1. A forced sale to repay a debt. 2. A court case where the mortgage lender asks the court for title to the property or to force a sale of the property to repay the debt.

forensic: Investigating a crime using knowledge and expertise in a particular subject like science, medicine, accounting, etc.

foreperson: The person on a jury who tells the verdict to the court.

forfeiture: When a person must give up money or property because he or she did not meet a legal obligation. See also **bail forfeiture**.

forum: 1. A court or other judicial group. 2. The right place to bring up an issue.

foster care: Care provided by an authorized child care agency to a child who has been taken from his or her home by court order or voluntarily by a parent. The agency gives money to a person, family, or institution to raise someone else's child. See also **IV-E** and **IV-E case**.

foster care agency: Any agency that has a contract with NYC Children Legal Service or New York State to give foster care services to children and young adults. Other names for this are "contract agency," "provider agency," or "the agency."

foster home: A private home where youth live until a Judge or referee thinks it is safe for them to return home. "Foster parents" are the adults in the home. Sometimes a relative may serve as the foster parent.

fraud: An intentional lie told to get a person to act in a way which will harm him or her.

freed for adoption: When a court decides that a parent does not have any legal right or obligation over his or her children anymore and the children can be adopted by others. When a parent loses these rights it is known as "termination of parental rights."

fugitive: A person suspected of doing something wrong who runs away or tries to escape the law.

full faith and credit: The constitutional requirement that a state must honor an order or judgment of another state's court.



G

garnish: To take part of a person's money or property to pay off a money judgment.

garnishee: The person who has money taken from him or her to pay off a judgment.

garnishment: A legal process that allows part of a person's wages and/or assets to be taken to pay off a judgment. See also **direct income withholding**, **income withholding**, **wage withholding**.

general denial: A statement by the respondent that the claims in the petition are not true.

general plan of conservatorship: A conservator's formal plan for taking care of the conservatee's personal and financial needs. This plan must be filed with the court within 90 days after the conservator has been appointed by the court. Both *conservators of the person* and *conservators of the estate* must prepare and file general plans.

genetic marker test: An order by the court that says an alleged father, mother, and child must submit to certain medical testing to find out who the parents are of a child born out of wedlock. See also **blood test**.

good cause: A good reason. For example, a person must have "good cause" (better reason than not having a car or forgetting the court date) for not coming to a court hearing.

good faith: Honesty of intention; with no plan to lie.

grand jury: A group of 16 to 23 citizens who listen to the prosecution's evidence then decide if there is probable cause (a reason) to believe a person committed a crime and to charge him or her with that crime. See also **indictment**.

grounds: A legal reason to bring a case.

group home: A home, run by an agency, where youth will live with other youth. The youth is owed certain rights by the staff and volunteers working in the group home.

guarantor: A person that promises to be responsible for the debt of another person if that person does not pay the debt on time.

guardian: A person appointed by the court to care for another.

guardian ad litem (GAL): A court-appointed adult that represents a minor child or legally incompetent person. The GAL is only a guardian for a specific lawsuit. See also **ad litem**.

guardianship: A court proceeding where a Judge appoints someone to care for a person or to manage that person's estate (property), or both. Compare with **conservatorship**. In Family Court it only means guardianship of the person. It is called a "G Petition."

guest: A person who does not have the same rights as a tenant, for example, someone who stays in a residence for less than 30 days.

guidelines: A way for measuring something based on the law. For example, how much money must be paid in child support, or how long a criminal sentence should be. In family law, a standard method for figuring out child support payments based on the income of the parent(s) and other factors according to state law.

guilty: 1. Having committed a crime or being responsible for a crime. 2. The decision by the court that a person committed a crime. 3. When a person admits that he or she committed a crime.

guilty plea: When a person admits in court that he or she is guilty of the crime charged in a criminal complaint, information, or indictment.



H

habeas corpus: Latin: "You have the body." The name of an order used to bring a person to a court or Judge to decide if that person is being denied given his or her freedom, against the law.

habitable: A place fit for people to live in. A rental unit that follows important building and safety code standards that affect tenants' health and safety is called "habitable." See **uninhabitable** and **implied warranty of habitability**.

harassment: Is defined as any act or failure to act that intends to cause or causes a tenant or legal occupant to vacate or waive any occupancy rights. Harassment may include: 1. The use of force or threats of force against a legal occupant. 2. Knowingly providing a legal occupant with false or misleading information about the apartment. For example, offering a lease without telling a tenant that the unit is rent stabilized. 3. Turning off heat, hot water or electricity. 4. Illegally changing the locks. 5. Charging a higher rent than legally allowed. 6. Offering to buyout a tenant while using threats, intimidation, or obscene language. 7. Offering a buyout based on false information. 8. Repeatedly contacting the tenant on weekends, holidays, outside normal business hours unless tenant previously approved outside work hours in writing. 9. Failing to correct hazardous or immediately hazardous violations within the dwelling or common areas. 10. Repeatedly starting false court proceedings. For example, starting nonpayment proceedings even though rent is paid.

hearing: A formal court proceeding where the Judge and all sides are in court, but there is no jury. Testimony may be given, exhibits reviewed, and/or legal arguments made to help a Judge decide an issue in a case.

hearsay: Statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay usually can not be used as evidence in court.

heir: A person that inherits or receives money or property from someone who has died.

holdover proceeding: A court case started by a landlord/owner to get back control of a place.

holding cell: A cell inside a courthouse where prisoners are held in custody before and after their court appearance.

home detention: When an electronic device is put on a prisoner's body to keep track of where the prisoner goes. See also **electronic surveillance**.

homicide: When a person kills another person directly, indirectly (didn't try to stop it,) or has someone else kill for him or her. Homicide is not always a crime. Homicide can be: 1. Excusable - the result of a lawful act when no hurt was intended or from an act of self-defense. 2. Criminal - the result of any wrongful act without any excuse or justification in law. 3. Justifiable - the result of an intentional but lawful act such as the execution of a death sentence by an agent of the law (can also be self-defense). See also **manslaughter**, **murder**.

HP case: (Housing Part case) A case brought in the Housing Part of the Civil Court asking for repairs and for the enforcement of housing standards.

Human Resource Administration (HRA): HRA/DSS is a New York City Agency that oversees the city's public assistance programs and projects.

hung jury: A jury that can't agree on a verdict.

Huntley Hearing: A hearing held to ask the court to not use a statement made by the defendant based on the idea that the statement was gotten illegally.



I

I & R (Investigation and Report): A court ordered report asking the Probation Department or Administration of Children's service to investigate the people in a case and to make a written report for the next court date. The investigation usually includes interviews with the parties and/or children and possibly a home visit. This report may also be called a court ordered investigation (COI).

IEP: Stands for "individualized education program." An IEP is designed to meet the exceptional educational needs of public school students that are eligible for special education services.

illegal parking: Violation of any state or local parking regulation.

immunity: The right to be excused from a duty, obligation or penalty. See also **privilege**.

impaneling: The way jurors are picked and sworn in.

impeachment: 1. Saying the testimony (story) of a witness is not true. For example, if an attorney can show that a witness made up parts of his or her testimony, the witness is said to be "impeached." 2. The constitutional process used by the U.S. House of Representatives to remove a public official from office.

impleader: A person added to a case by a defendant.

implied warranty of habitability: A legal rule that makes landlords keep their rental units fit for people to live in. A rental unit must comply with important building and housing code standards that affect tenants' health and safety.

impound: To seize and hold in the custody of the law. Generally used with personal property, not people.

imputing income: This is done in support proceedings when the parent is unemployed or underemployed (not working a full work week or working less than usual) and the court calculates the parent's gross income based upon past earnings or ability.

in camera: Latin: "In a chamber." In the judge's private room or in a courtroom emptied of all spectators (including the jury).

in forma pauperis: Latin: "In the manner of a pauper." Permission given by a court to a person to file a case without paying the fees because the person cannot afford to pay them.

in limine: Latin: "At the beginning" or "At the outset." A motion at the beginning of trial to ask that certain evidence not be heard.

in propria persona (in pro per): Latin: "In one's own person" When a person represents himself or herself without a lawyer. See **pro se**.

in re: Latin: "In the matter of." Also means about or concerning.

in rem: Latin: "Against a thing." Having to do with the right or title to property.

inactive case: A pending case that has been filed, but for some reason can't be heard by the court.

incarcerate: To put in jail.

incapacitated person: A person who, for any reason, can't protect his or her rights, even if not declared incompetent by the court.

income: Any form of periodic payment to a person, regardless of source, including wages, salaries, commissions, bonuses, workers' compensation, disability, pension or retirement program payments, and interest.

Income or Payroll Deduction order (IDO or PDO): An order that tells the employer of a person who must pay child support to take out money from his or her wages to meet the child support obligations. This includes back money owed (arrear) and forward future payments. The money goes directly to the payee.

Income Execution Order (IEO or IEX): 1. An administrative order by the Support Collection Unit (SCU) that tells the employer of the party who must pay child support (payor) to deduct the child support, including back money owed (arrear) from the person's paycheck and send the payments to SCU. 2. The process used by a sheriff or marshal to collect part of a person's income to pay off a judgment. 3. The court order delivered ("served") by a sheriff or marshal that tells a judgment debtor's employer to withhold the earnings of the judgment debtor for the purpose of **wage garnishment**.

income withholding: When automatic deductions are made from wages or income to pay a debt like child support. Income withholding is often part of a child support order. It can be voluntary or involuntary. See **direct income withholding** and **wage withholding**.

incompetence: When a person can't do something or can't handle his or her own affairs.

incompetency: The lack of legal ability to stand trial or testify.

incriminate: To hold yourself or another person responsible for criminal actions.

indemnity: A duty to pay for another person's loss or damage.

index number: Identification number that the court clerk's office gives a case. This number is on all papers filed in the case. Also called "case number" or "docket number."

indictment: 1. The decision by a grand jury that says there is enough evidence that the defendant committed the crime to justify having a trial. Used mainly for felonies. See **information**. 2. A document that contains the list of charges that the grand jury will vote on to decide whether there is enough reason to continue on to trial.

indigent: 1. This term usually refers to a person that is poor, needy, and has no one to look to for support. 2. A person found by the court to be unable to afford an attorney or meet the expense of defending a criminal manner. If a defendant is found to be indigent, a defense attorney may be appointed by the court.

indorse: To write the oral (verbal) answer of a respondent on the court file.

indorsed complaint: A brief description of the reason for the suit in a case for money only

infant: A minor. In New York State, anyone under 18 years of age.

infant's compromise: The approval by a Judge of a settlement in an infant's claim.

information: A document charging a person with a crime in writing. It is presented in court by a prosecuting officer under oath and does not come from a grand jury. See **indictment**.

information subpoena: Legal paper that makes a person or a business answer questions about itself or about where a judgment debtor's assets can be found. For example, the number of a debtor's bank account.

infraction: A minor violation of a law, contract, or right that is not a misdemeanor or a felony and can't be punished by time in prison. Compare with **felony** and **misdemeanor**.

initiating jurisdiction: The state or county court, or administrative agency, that sends a request for action to another jurisdiction in interstate child support cases.

injunction: A court order telling a person to do or not something. See **enjoin** and **restraining order**.

innocent: Free from legal fault. Found not guilty of criminal charges by a court. Acquitted. See **acquittal**.

inquest: A legal process to decide a case where only one side is present to testify.

installment payments: Weekly, monthly, or other periodic payments on a debt.

instructions to jury: Instructions the Judge gives to a jury just before it starts to deliberate, telling the jury what laws apply to that case. See **admonition to jury** and **jury instructions**.

intake: In Family Court, the first court proceeding where the petition is read and charges/demands are explained.

inter alia: Latin: "Among other things."

Integrated Domestic Violence Court (IDV): A special court where a Judge hears all parts of a family's case about domestic violence.

inter vivos trust: Latin: "Between the living." A trust made by a person while he or she is alive.

intercept: When non wage payments (like federal income tax refunds, state income tax refunds, unemployment benefits, and disability benefits) made to a parent that owes support are taken and given to the parent who gets support.

interlocutory: A court order that is conditional, temporary, or not final.

interpleader: When two or more people have a claim to the same thing held by a third party. The third party may force them to go to trial with each other to settle their dispute.

interpreter: A person that is certified as being able to translate, orally or in writing, spoken or sign language to the court.

interrogatories: A set of written questions sent by one side in a case to the other side as part of pretrial discovery (investigation). The side that receives the interrogatories must answer them in writing under oath. See **discovery**.

interstate cases: In child support, cases where the child and the parent that owes support live in two different states, or where two or more states are involved in some case activity, like enforcement.

intestate: To die without making a will. See **testate**.

inventory: A detailed list of property.

investor requirement: In a foreclosure case, the bank may sell the mortgage to an investor and the investor may decide what type of alternatives to foreclosure to offer when the borrower applies for mortgage assistance. These alternatives are called **loss mitigation**.

irretrievable breakdown: When a relationship is impossible to fix for at least six months. A ground for no-fault divorce.

issue: 1. What is being argued in a lawsuit. 2. To send out officially, like when a court sends out an order. 3. Relatives from the same ancestor, including adopted children.

IV-A ("4-A") case: A child support case where a custodial parent and child(ren) get public assistance benefits under the state's IV-A program. The IV-A program is funded under title IV-A of the Social Security Act. Applicants for IV-A assistance are sent to their state IV-D agency so they can identify and locate the noncustodial parent, prove paternity and/or a child support order, and/or get child support payments. This lets the state get back some or all of its public assistance money from the noncustodial parent. See **IV-D, public assistance, Temporary Assistance to Needy Families (TANF)**.

IV-D ("4-D"): is title IV-D of the Social Security Act, that says that each state must create a program to find noncustodial parents, prove paternity, establish and enforce child support obligations, and collect and distribute support payments. Any person that gets public assistance (usually TANF) is sent to the state IV-D child support program. States must also accept applications from families that do not get public assistance, if requested, to help collect child support.

IV-E ("4-E") case: A child support case where the state pays benefits or services under title IV-E of the Social Security Act to a person, family, or institution that is raising child(ren) not their own. As with other public assistance cases, the people that get public assistance are sent to their state IV-D program in order to identify and find the noncustodial parent, prove paternity and/or a child support order, and/or obtain child support payments. This allows the state to get back some or all of its public assistance payments from the noncustodial parent. See also **IV-D**.

IV-E ("4-E"): Refers to title IV-E of the Social Security Act, which established a federal-state foster care program that gives financial support to a person, family, or institution that is raising a child or children not their own. See **foster care**.



J

jail: A place where people are held after arrest.

jeopardy: The risk of conviction and punishment at a trial.

joinder: Bringing together parties or claims in a case. For example, when new people become parties in a case, or new claims are added.

joint custody: The sharing of responsibilities for the care of a child by both parents.

joint legal custody: A court order that lets either or both parents to make decisions about a child's health, education, and well-being.

joint physical custody: A court order that says that a child is to spend about the same amount of time living with each parent.

joint trial: When two or more cases that have the same facts or issues of law are tried together. Even when they are heard together, the cases and judgments remain separate.

judge: A person with authority to decide legal matters in court.

judgment: 1. The final decision of the Judge saying which party has won the case and the terms of the decision. 2. The order of a court that decides a dispute. 3. The official written outcome or finding of a Judge or administrative agency hearing officer about the rights and claims of someone in an action. See **disposition** and **verdict**.

judgment creditor: The party (either the plaintiff or the defendant) who has won money in a court case.

judgment debtor: The party who has lost a case and must pay money.

judgment roll: After a Judge has made a decision, the request to the clerk for a judgment with a list of fees to be repaid and copies of the papers and receipts. On an appeal, the judgment roll is the collection of papers filed by the Clerk when a judgment is entered. It includes every part of the case, like the summons and motion papers.

judicial: 1. Legal. 2. Having to do with court or a judgment.

judicial district: The state is divided into geographical areas called judicial districts. New York State has 13 judicial districts. In Federal Court these geographical areas are called judicial circuits

judicial hearing officer: Also called a JHO. A retired Judge who still hears and decides cases.

judicial officer: Judges, referees, and commissioners who can make decisions.

judicial settlement: In Surrogate's Court. A court proceeding where the Judge reviews and approves the account filed by the fiduciary (responsible manager) of an estate.

judicial surrender (AS petition): When a child is given to an authorized agency for adoption. This must be sworn to in front of a Judge of Family or Surrogate's Court.

jurat: Latin: "To swear." The statement at the end of an affidavit saying when, where and before whom (who saw) the affidavit was sworn to.

jurisdiction: 1. The authority of a court to hear and decide a case. 2. The geographic area the court has authority over to decide cases. 3. The area, subject matter, or persons a court has power over.

jurisdictional limit: The maximum amount of money that a court can give. For example in small claims cases the most the court can award is \$5,000.

jurisprudence: The study of law and the structure of the legal system.

juror: A person selected to be on a jury.

jury: A group of citizens picked to decide a case. There are different types of juries. 1. **Grand jury:** A group who decides if it seems reasonable (probable cause exists) that a crime has taken place and an indictment should happen. 2. **hung jury:** A group that cannot agree on a verdict.

jury commissioner: The local official responsible for giving the court lists of qualified potential jurors.

jury deliberation: See **Deliberation**.

jury demand: A paper filed by one side in a case asking for a jury. It requires the payment of a fee.

jury instructions: The guidelines given by the Judge at the beginning and end of a trial that explain what the law in the case is and how the jurors should look at the evidence. See also **admonition to jury** and **instructions to jury**.

jury pool: A group of people from lists of registered voters, licensed drivers, state and local taxpayers, people receiving public assistance or unemployment benefits who can then be picked to sit on a jury.

jury trial: A proceeding where the parties give the facts and the law to a jury for a decision. See **Trial**.

just cause: A legal reason. The burden put on a person to show why a request should be granted. Also known as a good cause.

juvenile: A person younger than the legal age of adulthood, which usually is 18 years but in some cases is 21 years. See **minor**.

juvenile delinquent (D petition): A person over 7 and less than 16 who commits an act that would be a crime if an adult did it. A 16 year old who commits a misdemeanor after September 30, 2018 is also a juvenile delinquent. This person receives supervision, confinement or treatment. For more serious crimes, a 13, 14, or 15 year old may be treated as a **juvenile offender**.

juvenile offender: A 13, 14 or 15 year old person charged with murder in the 2nd degree, or a 14 or 15 year old person charged with certain violent felonies as listed in the Criminal Code.

Juvenile Rights Division (JRD): An office of the Legal Aid Society that gives legal representation (Attorney for Child/Law Guardian) to children in Family Court cases.



K

kinship foster care: Foster care placement with a family member.



L

laches: A type of defense. The claim by one side in a case that his or her defense has been made weaker because the other side waited too long for no good reason in starting the case.

landlord: An owner, also called "lessor," that rents out real property to a tenant, also called "lessee."

law guardian: An attorney appointed by the court to represent a child in contested custody matters. Usually called "attorney for the child."

lawsuit: 1. A court case started by a plaintiff claiming that the defendant failed to perform a legal duty causing harm to the plaintiff. 2. A legal disagreement given to the court to decide. See **action** and **case**.

lawyer: A person with a license to represent clients in a court of law and to advise them on legal matters. See **attorney** and **counsel**.

Lawyers for Children (LFC): A group of attorneys and certified social workers that help children. It acts as the attorney for children in foster care review and ending of paternal rights cases to protect and fight for the child's best interests and wishes.

lease: 1. An agreement for renting property, like land or an apartment or a car. A lease is usually on paper and it covers a specific amount of time, like one year. A rental agreement for a place where you live (apartment or house) can be a written agreement or a verbal agreement between the landlord and the tenant. 2. Verb. To give the right to have or use property (real or personal) temporarily for rent.

Least Restrictive Environment (LRE): This means that, when possible, special education students must be placed in regular classrooms with non-disabled students while still having their special educational needs met.

legal advice: An opinion as to how the law works in a specific case.

legal aid organizations: Organizations that give free legal advice, representation, and other legal services to low-income people.

Legal Aid Society (LAS): A New York City Agency that gives legal representation in many of areas of law.

legal custody: Having the right and responsibility to make decisions about a child's health, education and well being. There are two types of legal custody orders: joint legal custody and sole (one parent only) legal custody.

legal separation: A written and signed agreement between spouses where they live apart from each other while remaining married. This formal agreement is filed when filing for a divorce.

legatee: Any person supposed to receive personal property under a will.

lessee: A person who rents real or personal property and has a lease. See **tenant**.

lessor: A person who gives the right to use his or her property in a lease. See **landlord/owner**

Letters: Document made by the court appointing a person or corporation as a fiduciary.

Letters of Conservatorship: A court paper that allow a person called the conservator to act for another person. See **letters**.

levy: 1. When a sheriff or a marshal enforces a judgment by taking property, for example, money, a car or a house. 2. To force a tax or a fine on someone.

levying officer: A sheriff or marshal that is given the power to take, tax or fine a judgment debtor's property.

liability: 1. A person's responsibility to do or to not do something. 2. A person's responsibility for causing an injury.

libel: False and malicious (lies) written or published material that is defamatory (insulting) and hurts a person's reputation. See **slander**.

liber: A book used for keeping a record of specific documents or events having a legal effect.

license: Permission to do something that without permission is illegal.

licensee: Someone given permission to stay in a home without paying rent.

lien: A claim on property, for example, a house or a bank account, for the payment of a debt.

limited-scope representation: An arrangement with a lawyer to get help on some parts of a case for a set fee or limited fees. Also called "unbundled legal services" or "unbundling."

lis pendens: Latin for "a pending suit." 1. Jurisdiction of a court over property until the final decision of a case. 2. A notice filed against public records warning the public that title to the property is in litigation (in court and not final).

litigants: The parties (sides) involved in a court case.

litigate: To take part in a court case.

litigation: A court case or lawsuit. The people involved in lawsuits (plaintiffs and defendants) are called **litigants**

local child support agency: See **child support enforcement** (CSE) agency.

lockout: When a landlord locks a tenant out of the rental unit without permission of the court. Lockouts, and all other self-help evictions are illegal.

lodger: A person who lives in a room in another's house. The owner can enter all areas occupied by the lodger, and has control of the house.

long-arm jurisdiction: Legal provision that lets a state claim **personal jurisdiction** (legal control) over someone who lives in another state. There must be some connection between the person and the state that wants jurisdiction legally do this.

loss mitigation: When a lender and borrower who is behind on his or her mortgage attempt to negotiate a deal that is good for both parties. Some loss mitigation options are: loan modification, **forbearance**, short sale, and **deed-in-lieu of foreclosure**. Loss mitigation may help the borrower stay in the home or may help lower the amount of a judgment against the borrower.



M

magistrate: A person with the power to issue arrest warrants and find if there is a reason to suspect someone of a crime (probable cause) at a preliminary hearing. See **commissioner, Judge and referee**.

maim: To cripple or damage in any way, like to injure a person in a way that keeps him or her from the use of any limb or other part of his or her body. It means to seriously wound, disfigure, or disable. See **mayhem**.

maintenance: 1. In divorce cases: Financial support given by one person to another. See **alimony** and **spousal support**. 2. The general repair and care of property to keep it up correctly.

malfeasance: Bad behavior, doing something wrong or against the law; especially when done by a public official.

malice: The desire or intention to do a bad act based on hatred or total disregard for the other person's well-being.

malpractice: act of negligence or incompetence by a professional (doctor, lawyer, etc.).

mandatory: Required, ordered, no choice.

mandatory surcharge: A fee that a defendant must pay when he or she has been convicted of an offense. It is separate from any fine that the court may have charged.

manifestation determination: An assessment where the individual education program (IEP) team figures out if a special education student's bad behavior that normally could result in being expelled is, really a direct result of that student's disability and is not a reason to expel the student from school.

Mapp Hearing: A hearing held to ask the court to not use physical evidence based on the idea that the evidence was gotten during an illegal search.

manslaughter: When someone kills a person, but didn't mean to do it. See **murder** and **homicide**.

marital property: Any property that either person got from the beginning of a marriage to the divorce, like a house, car, IRA, bank account(s), pension, annuity, business or advanced degrees. These are all examples of marital property. But an inheritance, a gift from someone that isn't the husband or wife, or compensation for personal injuries, are **separate property**.

marital settlement agreement: In a divorce, legal separation, or annulment, a judgment will often include a marital settlement agreement (MSA). This is a contract in writing between the parties that explains how the issues in the case will be handled. It usually happens when there are complicated issues of property, debt, support, or custody that need to be worked out in the judgment.

marshal: 1. A peace officer that has the power to arrest, to serve subpoenas and legal papers and to act as bailiff in a courtroom. 2. A person licensed by a city to enforce the judgment of a court. See **sheriff** or **constable**.

marshal's notice: 1. A notice from a marshal telling a person that he or she will be acting on a judgment. 2. In landlord-tenant court a marshal's notice is also called a **Notice of Eviction**. This notice tells a person that he or she will be evicted after a few days.

material witness: A person who the Judge has decided can speak (testify) on some issue that is extremely important to a case, especially if others can't give the same testimony.

mayhem: 1. Unlawfully and violently depriving a person from the use of a part of his or her body especially to keep a person from being able to defend him or herself. 2. Violent destruction or rowdy activity.

mediation: A process where a neutral person (or persons), called a mediator(s), helps people who have a disagreement to reach an agreement. The mediator does not act as a judge, but helps the parties talk so they can come to their own decision together. See **arbitration** and **neutral evaluation**.

medical support: A kind of child support where medical or dental insurance coverage is paid by a parent. Depending on the court order, medical support can be that parent's only financial obligation to the child.

mental health services/mental health study (MHS): The New York City Department of Health and Mental Hygiene (DOHMH), Division of Mental Hygiene Services (Division or DMH), is responsible for managing contracts and providers having to do with mental health services for adults, adolescents and children.

Midtown Community Court: A neighborhood based arraignment court dealing with low level quality of life offenses, i.e. public urination, bike violations, littering.

Military Calendar: A special calendar delaying a case because a party or a witness is in the military service.

minor: A person under the age of 18 years. See **infant** and **juvenile**.

minutes: The official (permanent) record of a court proceeding telling what happened in the case. For example, names of witnesses, motions, and findings reached. See also **transcript**.

Miranda warning: The rule that comes from a U.S. Supreme court case that says when a person is arrested or questioned by police, he or she must first be told about certain rights against self-incrimination (saying something that makes it sound like he or she is guilty).

misdemeanor: A crime that has a penalty of at least 15 days but not more than one year in prison. See **felony**.

misfeasance: A lawful act done in a wrongful way. See **malfeasance** and **nonfeasance**.

mistrial: A trial that ends with no decision.

mitigation: To make something less severe.

modification: A change or alteration.

money judgment: An amount of money awarded by the court to a person as payment for damages (losses or injuries) suffered.

moot: 1. Not relevant. 2. Has no practical importance. 3. A moot point is an issue that is not decided by the Judge because it is not argued about by either side, or it will be resolved out of court.

mortgage: 1. A lien against property given to back up an obligation, like a debt. If the debt is paid the lien ends. 2. An agreement where one loans money to another so he or she can buy property, and if the loan is not repaid on time the lender can take the property.

mortgagee: The person who gives money to another to buy property. This person is also called the lender. See **obligor**.

mortgagor: The person who gets money to buy property. This person is also called the borrower. See **obligee**.

motion: A verbal or written request made by a party to the court to ask for something specific.

motion hearing: A proceeding to ask a Judge to do or not do something. See **Hearing**.

motion granted: An order that gives what a motion asked for.

motion to dismiss: A written request to the court asking for the case to be thrown out. If granted this usually ends a case.

motion to reargue: A request to a Judge to talk about an issue in a case again.

motion to renew: A request to a Judge to reconsider his or her decision based on new proof or additional proof not used the first time around.

movant: The party who makes (starts) a motion.

moving party: The person asking the court to do or not to do something by making a motion.

multiple dwelling: A building that has three or more families living separately.

multistate financial institution data match (MSFIDM): The process that checks a parent's finances in different states when that parent owes child support. States give information on parents that owe support to the Office of Child Support Enforcement (OCSE). A state can then put a lien on and take all or part of an account.

murder: The killing of a person by a person who planned or intended it (malice aforethought). This mental state can be either said or suggested by actions or words. See also **homicide**; compare with **manslaughter**.



N

natural person: A human being (person), not a corporation.

neglect: 1. The failure to pay attention to a person or a thing accidentally or on purpose. 2. Family Court: See **permanent neglect**.

negligence: The failure to do something that a reasonable person would ordinarily do in a similar situation that can cause harm.

neutral evaluation: When a person (or persons) not involved in the case hears written and verbal information, then considers each side's information and evidence and tells the parties the likely court outcomes in the case. See **arbitration, mediation and ADR**.

new hire reporting: A program that makes all employers report newly hired employees to the State Directory of New Hires (SDNH) in their state. This information is given to the National Directory of New Hires (NDNH), and it is compared against child support order information in the Federal Case Registry (FCR) for possible wage garnishment to pay child support.

New York City Children's Service: Also called Administration of Children's Service (ACS). It is the New York City child welfare agency that investigates reports of child abuse and neglect. It also insures the safety and well-being of children.

New York Division of Criminal Justice Services (DCJS): The support agency that holds fingerprints and other arrest information in its database, called Computerized Criminal History (CCH).

New York State Child Abuse & Maltreatment Central Registry: A New York State agency responsible for keeping all reports of alleged child abuse and bad treatment.

no true bill: The decision by a grand jury to not indict a person.

nolo contendere: Latin: "I do not wish to contend." 1. No contest (argument). 2. A type of criminal court plea (response) that has the same effect as a guilty plea, but may not be understood as admitting guilt for any other purpose. For example, a person might plead nolo contendere and pay a fine or serve jail time, but if he or she is sued in a civil case later, the other side will still have to prove that the person is responsible.

non-custodial parent (NCP): The parent that does not live with the child and does not have primary care or control of a child. See **custodial parent**.

non-marital child: Child born to parents who are not married.

non-sequitur: Latin: "It does not follow." A conclusion that does not follow or make sense because of what came before it.

nonfeasance: Not doing an act that you have a legal duty to do. See **malfeasance** and **misfeasance**.

nonpayment proceeding: A court case started by a landlord/owner to collect unpaid rent and if the rent is not paid to evict the tenant.

notarize: To say that everything in a document is true by signing it in front of a notary public who also signs it.

notary public: A person who can take oaths, certify that certain documents are true, and take depositions (testimony outside of a courtroom).

note of issue: A form filed with the court to tell the court that all documents are ready for the court's review or that the case is ready for trial.

notice: 1. A written announcement or warning. 2. A legal paper telling the other side about something in a case.

notice of appeal: A paper telling all parties and the higher court that one party wants the higher court to change the lower court's decision.

notice of claim: A paper to be filed with a city or city agency before a person can sue it. It must be filed within 90 days of the injury and explain the reason for the case.

notice of entry of judgment: A paper by one side telling the other side about the Judge's decision in a case.

notice of eviction: A paper from a sheriff, marshal or constable saying that an eviction will take place in a number of days.

notice of motion: A paper telling the court and the other side when a motion will be heard. It says what is being asked for and why.

notice of petition: A paper telling the other side when and where the court will hear a case. It is served with a petition.

nullity: A marriage that is understood to be void either by law or by court order. For example, a marriage between a brother and a sister is a nullity by law. See **dissolution**.

nunc pro tunc: Latin for "now for then." A nunc pro tunc order allows something that happened on one date to be counted as having happened on an earlier date.

NYSCEF: 1. New York State Courts Electronic Filing. 2. The computer program that allows the filing of delivery of legal papers over the internet in some counties, courts and case types. Visit: www.nycourts.gov/efile-unrepresented.



O

oath: When a person swears or affirms that what he or she is saying is true. In Surrogate's Court an **oath and designation** allows the Chief Clerk to receive an order from the Surrogate.

objection: When one side asks the court to not allow evidence or testimony by the other side to count in a case.

object to support magistrate's order: A written objection to an order that was made by a support magistrate. A review of the objection must be made by a judge.

obligation: 1. A legal or moral duty to do or not to do something. 2. A formal agreement to pay a certain amount of money or do something for someone.

obligee: The person who gets the benefit (money or action) of an obligation.

obligor: The person that must perform a duty or pay a obligation.

off the record: Comments made in a case but not counted as part of the record.

offense: An act that violates (breaks) the law and the court can sentence a person to jail or to pay a fine. An offense can include a felony, a misdemeanor, or a violation. See also **crime** and **public offense**.

offer: A suggestion for an agreement made by one side. If the other side accepts it will create a contract.

Office of Child Support Enforcement (OCSE): The federal agency responsible for administering the national child support program. A division of the Administration of Children's Services, it gives those with custody help in getting support, financial and medical, establish paternity, support obligations and enforces court orders.

Office of Children & Family Services (OCFS): The New York State agency that handles the placement of minors in institutions after juvenile delinquency findings.

Office of Temporary and Disability Assistance (OTDA): A New York State agency responsible for supervising child support actions statewide.

offset: 1. An amount or claim that balances for something else. 2. An amount of money taken from a parent's state or federal income tax refund before he or she gets it, or from an administrative payment like federal retirement benefits, to pay a child support debt.

opening statement: In a trial, the first time each side speaks in front of the court.

opinion: 1. The written explanation by the court about the decision in a case. 2. In an appeal when there is more than one Judge the decision is called the "majority decision." Only the majority opinion can be used as binding precedent in future cases. See **precedent**, **concur**, and **dissent**.

opposition to the judgment debtor's exempt status: After a judgment is made in small claims court, this is a paper filed by the creditor against the debtor's claim that certain money is exempt from collection (the money can't be taken). Also called a "notice of opposition to claim of exemption."

oral argument: In a trial, when lawyers speak to support an argument or answer the Judge's questions.

order: A spoken or written command or direction from a judge.

Order of Filiation (OF): An order by the court saying that the man is the biological father of a child. This is usually done after a person files a paternity petition.

Order of Protection (OP): A court order telling one person to stop certain conduct, like harassment, against the other. The order may also tell the person to stay away from the other person, his or her home, school, work and children. Usually the person who starts the case (complainant) asks for the order and the other person (defendant) must do what the order says.

Order of Support (OS): An order directing payments of child support, spousal (husband or wife) support or both.

Order of Support Reinstated: An order putting back into place support payments that had been stopped by the court.

Order of Support Suspended: A decision by the court that temporarily stops payments of support.

Order of Support Terminated: A decision by the court that ends payments of support.

Order of Visitation: Order that says that the person who has custody of a child(ren) must allow the non-custodial parent or another person to visit the child(ren) on specific dates and times.

Order to Appear for Examination: A court order telling the judgment debtor to appear at a date, time and place to answer questions about his or her property and income.

order to correct: An order telling a party to fix one or more violations.

Order to Produce (OTP): An order telling a state or city Commissioner of Corrections to bring an incarcerated person for a court appearance.

Order to Show Cause (OTSC or OSC): A written request to the court to ask for something. Used to bring something in to the court's attention quickly and can be used to ask the court to stop what is happening until the court date. It is a way to make a motion.

ordinance: A regulation (law) made by a local government to enforce, control, or limit certain activities.

overrule: To undo or void a decision.

own recognizance (OR): When a person is released from custody and is not made to pay bail because of his or her promise to come to court to answer a criminal charge.



P

palimony: Money the court orders someone to pay to a person he or she lived with but did not marry.

panel: 1. Any group of people. 2. In appellate court cases, a group of judges, usually three, that decide the case. 3. In jury selection, it's the group of potential jurors. 4. The list of attorneys that are available and qualified to be appointed by the court to represent criminal defendants that can't afford their own lawyers.

PAR: 1. A petition for administrative review. 2. An appeal to DHCR to review its decision.

parcel: 1. A package. 2. A plot of land. 3. To divide and give out something.

partial verdict: A verdict where a jury finds a defendant guilty or not guilty on some charges but cannot come to a group decision on other charges.

pardon: When the chief executive of a state or country sets free a convicted person from the punishment given to him or her by a court sentence.

parentage (parental relationship): 1. Being a child's parent. 2. Related in direct blood line. 3. Lineage.

parenting classes: Classes that help parents focus on the needs of their children and give parents information to provide a healthy non-threatening home environment. Sometimes the court can order one or both parents to go to parenting classes so they can learn to communicate better about their children's needs.

parenting plan: A custody and visitation agreement that says when the child will be with each parent and how decisions are to be made. A parenting plan may be developed by the parents, through mediation, with the help of lawyers, or by a Judge after a trial or hearing.

parole: The release of a person from prison before the end of his or her sentence. It requires supervision of the person and says what he or she can or can not do for a certain amount of time.

part: A courtroom for a specific type of case.

party: One of the sides in a court case. The parties are usually called the "plaintiff" or "petitioner" and the "defendant" or "respondent." On appeal, parties are called the "appellant" and "appellee."

Passport Denial Program: This program keeps a person from getting a passport when he or she owes \$5,000 or more in child support. The federal Office of Child Support Enforcement sends this information to the U.S. Department of State to not allow a passport to be given out for that person.

paternity: The decision by a court saying who is or is not the father of a child. Legal determination of fatherhood.

paternity petition: A court case asking if a man is the biological father of a child. See **paternity suit**.

paternity suit: A lawsuit to decide who the father of a child is if the parents were not married when the child was born. Also called paternity petition.

payee: Person or organization who receives money.

payor: Person or organization that pays money.

PDF: 1. Portable Document Format. 2. A file format that makes it possible to display words and pictures so that they look the same on any computer screen.

penalty assessment: An amount of money added to a fine.

Penal Law: The state's criminal law which lists all offenses and their possible punishments.

penalty: Punishment for breaking a law.

pendente lite: Latin: "While the action is pending." Any orders made during the case.

pending: What a case is called when it has not been decided. See **active status**.

per capita: A way to give out the property of an estate so that each beneficiary gets a equal share.

per stirpes: A way to give out the property of an estate when the beneficiary has died and his or her descendants take the share.

peremptory challenge: When a side in a case asks the court to get rid of a potential juror. It can disqualify a person from serving on a jury. It does not need an explanation. See **challenge for cause**.

perfecting an appeal: After filing the notice of appeal, the steps needed to make the case ready for the judge. This may include getting a transcript of the trial, writing and serving a brief and getting the case on the court's calendar.

perjury: A false statement made on purpose (a lie) while under oath.

permanency planning: A court action that gives a dependent child a permanent place to live, like an adoption or a guardianship.

permanency planning goal: The plan by a foster care agency to get the best permanent living arrangement for a young person in foster care. The list of possible permanency planning goals includes: return to parent, adoption, custody or guardianship, placement with a relative, or another planning permanent living arrangement (called APPLA or independent living/adult residential care).

permanency planning hearing: When the parties go in front of a Judge in a case involving a child in foster care to make a schedule for the return of the child to his or her home or other permanency plans, including adoption. Youth over 10 years old have the right to attend their own permanency planning hearing.

permanent neglect: A reason for losing parental rights. A claim by an agency responsible for a child in foster care that says the child's parents have not kept in contact and have not planned for the child's future.

persistent violent felony offender: A person who is convicted of a violent felony after having been previously convicted of 2 or more violent felonies in the past ten years.

Person in Need of Supervision (PINS): A Family Court case where a parent or guardian asks for the court's help in supervising a person under 18 years old. The youth has not committed a crime, but his or her behavior is "beyond the lawful" control of his or her parent or guardian. This behavior includes skipping school, refusing to come home by curfew, underage drinking, acting out in a way that is dangerous or out of control and often disobeying parents, guardians, and other authorities.

personal delivery: Giving court papers to a person in his or her hand.

personal injury: A kind of civil case that asks for damages (money) for physical injury to people and/or property, or for wrongful death.

personal jurisdiction: The power of a court over over a person. This is different from the power of a court over a defendant's property. See **in rem**.

personal service: Personal service can be made in three ways: 1. Delivering the paper to the person in his or her hand (Personal delivery). 2. Handing the papers to a responsible person to give to the person being served, and mailing copies to the person being served (Substituted delivery). 3. After two or three attempts, leaving a copy on the door (in Landlord tenant, also under the door) and mailing copies to the person being served (Conspicuous delivery). See **process server**.

persons interested: Any person or entity with the right to a share in an estate. For example, a husband or wife not named in a will.

petit jury: A group of citizens that listen to the evidence presented by both sides at a trial and figures out the facts. See **jury** and **grand jury**.

petition: A paper that is sworn to that asks the court to start a case called a summary or special proceeding. It works the same as a complaint in a civil case.

petitioner: A person or agency that starts a proceeding or brings an appeal to a higher court.

petty offense: A minor violation of law, like a traffic infraction.

physical custody: In Family Court, where the children live, who takes care of them, and how much time they spend with each parent. There are two types of physical custody arrangements: primary or sole physical custody and joint or shared physical custody.

placement: When a court sends a person to a facility or to any supervisory, care or treatment program.

plaintiff: The party that starts a civil case.

plea: In a criminal case, the defendant's answer to the charges. For example "guilty" or "not guilty." See **nolo contendere**.

plea bargain: 1. The negotiation between the prosecuting attorney and the person accused of a crime, or that person's lawyer, to trade a guilty plea for a conviction of a smaller charge, if the court approves. 2. The agreement that is made after this negotiation.

plead guilty: When a defendant admits to what he or she has been charged with.

pleading: A written statement given to the court describing a party's claims about the case and what the party wants from the court.

pleadings: In a civil case, the group of papers made up of the complaint or petition, the answer, and the reply.

plenary: 1. Full, complete, entire. 2. A meeting that is attended by all members. 3. A court case that decides all of the issues.

polling of jury: At the end of a trial, when jurors are asked individually if they agree with the final verdict in the case they just decided.

poor person application: When a person asks the court to be allowed to not pay the court fees because he or she does not have the money. This is also called a fee waiver.

poor person order: The order stopping all costs and fees in a case for a poor person.

possession: 1. When a person has control of a place or a thing.

possessory judgment: An order from the court giving control of an item, place or space.

post: 1. A prefix that means "after," like in "post-trial" matters. 2. To put up or get publicity for something in a public place to bring it to the public's attention, as in "to post a notice of sale." 3. To make a payment or deposit. 4. To put in the mail.

power of attorney: A document that says one person can legally act for another.

pre: A prefix that means "in front of" or "before," like in "pre-trial" hearing.

pre-arraignment bail: Money a person may have to pay to be released from custody after arrest but before arraignment. See **Bail**.

precedent: Another case with similar issues of law and facts that is used as an example for the current case. Judges will generally "follow precedent" unless one of the parties can show that the other case was decided incorrectly or was different in some important way.

preclude: To prevent or stop.

predicate felon: A person convicted of a felony after having been previously convicted of a felony within the past ten years.

predicate notice: A paper that needs to be served before starting some cases in court. For example, in Landlord/tenant: A Rent Demand.

preliminary: Anything that needs to be done before the main matter or business. For example, a preliminary injunction comes before a permanent injunction.

preliminary instructions: Guidelines about trial procedure given to a jury by the Judge at the start of a trial.

preliminary examination/hearing: A proceeding to find out if there is enough reason for a person to be held responsible for a criminal charge.

preliminary executor: A person who acts as an estate's administrator before the will is probated.

presentence report: A report made by the probation department for the Judge when sentencing a defendant. It tells about the defendant's background; financial, job, and family status; community ties; criminal history; and facts of the current offense. A presentence report must be done in felony cases and can also be asked for in misdemeanor cases.

presiding judge: 1. The Judge who is sitting on the bench in a courtroom. 2. The administrator of the court's business.

pretrial conference: A meeting of the Judge and both sides to talk about the trial. They talk about what will be presented to the jury, the evidence, the witnesses, and set a trial schedule. The Judge and the parties can also talk about settling the case.

pre-trial motion: In criminal court, it is a request by either side to do something in a case before going to trial. This request is normally made within 45 days of arraignment.

pretrial services: A local agency that puts together a report about a criminal defendant's background so a Judge can decide to release or not release him or her from custody before trial.

preventive services: Community based agency that helps families by giving support to keep youth at home or keep youth from entering foster care. These services include family therapy, after school programs, parenting programs, and day treatment programs.

prima facie: Latin: "at first sight." A "prima facie" case is when one side gives enough evidence to let a Judge make a decision in his or her favor. No other information is needed. Unless the other side can show something different, he or she will win.

primary physical custody: When a child lives with one parent more than 50% of the time.

primary residence: In landlord-tenant cases, the home where a tenant lives for a specific number of days per year.

prior: 1. Before. 2. A term used to refer to a previous conviction.

prison: A place where people who are convicted of a crime are held.

privilege: 1. An advantage that not all people have. 2. A special right that lets a person be free from prosecution or other lawsuits. See **immunity**.

privileged communication: The rules that let communication (conversations, emails, letters, etc.) between people in some relationships to stay private. Examples: Attorney/client; doctor /patient; spouse/spouse.

pro bono: Latin: "For the good." Legal work done for free.

pro hac vice: Latin: "For this occasion or particular purpose." The permission given to a lawyer to try a case in a state where he or she is not licensed to practice law.

pro se: Latin: "On one's own behalf." A person who represents him or herself without an attorney.

pro tempore: Latin: "For the time being." A referee or commissioner that temporarily replaces a judge.

probable cause: A good reason to suspect that a person has committed or is committing a crime. More than a bare suspicion but less than evidence.

probate: A court case that decides if a will is genuine (real). This case is started after a person who leaves a will dies and lets an executor manage the estate.

probate court: The department of each county's Surrogate's Court that deals with probate, conservatorships, guardianships and the estates of people that have died.

probation: 1. When a person is set free by a Judge as long as he or she does or does not do certain things. For example gets a job, does not get rearrested. 2. A department of the court that prepares a presentence report.

Probation Department: See **Department of Probation**.

Prosecutor's Information: A statement from the District Attorney which accuses someone of offenses, none of which is a felony, and is filed in city or county criminal court.

probation officer: Officers of the probation department of a court. A probation officer's duties include conducting pre-sentence investigations, preparing pre-sentence reports on convicted defendants, and supervising defendants, who are out of jail on probation, to make sure they are doing what they're supposed to do.

probation report: See **pre-sentence report**.

procedure: All the rules that control a court case. The rules say how to start a case, serve papers, enter evidence into the court, etc. There are rules of civil procedure, criminal procedure, evidence, bankruptcy, and appellate procedure.

proceeding: 1. All the events in a case. 2. A specific part of a case, like a motion or a hearing.

proceedings: The process of conducting court business.

process: The legal steps used by the court to notify parties and get power (jurisdiction) over them.

process server: A person licensed to give court papers to a party in a lawsuit. See **personal service**, **personal delivery**, **substituted delivery**.

production list: A list that tells the court the names of the people in custody that have hearings that day.

promissory note: A written document that says that a person promises to pay money to another.

pronouncement of judgment: 1. To announce a judgment in a formal way. 2. To state a judgment in a case.

proof: Evidence that is used to prove the truth of a fact in a case.

proof of service: Papers filed as proof that a person was served. May include affidavits of service and mailing receipts.

property: Anything that can be owned. There are two kinds of property: 1. Personal property: Bank accounts, cash, furniture, clothing, etc. 2. Real property: Land and any buildings on it.

proponent: The person who starts a probate proceeding.

prosecute: 1. To start and move on with a legal case. 2. To start and pursue a criminal case against a person.

prosecutor or prosecuting attorney: A public officer who represents the government in criminal cases. Also known as a "district attorney" or an "assistant district attorney," the People, or the prosecution.

proximate cause: 1. A cause that is legally strong enough to result in liability. 2. Something that directly produces an event and without it the event would not have happened.

public assistance: Benefits, like money or food stamps, given by the government to help people or families in need.

public defender: A lawyer appointed by the court to represent a defendant in a criminal case that can't afford to hire a lawyer.

public offense: A crime. Any offense that can be punished under the criminal law. This is different from a private or a civil case that violates "civil laws," like when a contract is not being followed.

public record: Any government paper that can be seen by the public. See **confidential record** and **sealed record**.

purge: 1. To remove. 2. To apologize for not following a judge's order and to obey it.

putative father: The person said to be the father of a child before being medically or legally proved to be the father. See **genetic testing** and **paternity**.



Q

Qualified Domestic Relations Order (QDRO): An order or judgment made by a court and approved by a pension plan, that divides a pension plan in order to make a fair division of property or to pay for child or spousal support.

Qualified Medical Child Support Order (QMCSO): An order or judgment that gives medical support for a child of a parent covered by a group health plan or gives health benefit coverage for the child.

quash: To stop, to vacate, to annul, to set aside. For example, to quash a subpoena means that the court will not enforce the subpoena because it has been voided.

quid pro quo: Latin: "This for that." What a person gets in return for something he or she has given or promises to give.

quiet enjoyment: The right to use a place without interference.

quiet title: A case where court decides who owns (or has title to) a property. To "quiet title" is to declare that a certain person is the legal owner of the real property in dispute.

quitclaim deed: Deed for real property which does not guarantee full ownership.



R

rap: Slang for legal responsibility for a criminal act. For example: "He took the rap for his partner in crime."

rap sheet: From the term "Record of Arrests and Prosecutions." It is a written list of a person's criminal history. This list can be generated by submitting someone's name and date of birth or by running his or her fingerprints.

rape: The unlawful sexual intercourse by one person to another against his or her will.

reasonable doubt: The belief that a defendant's guilt has not been proven.

Real Estate Owned (REO): When the lender (like a bank) takes the property after it does not sell at auction.

rebuttal: 1. Evidence presented at trial by one party to overcome evidence introduced by another. 2. A written response to a written objection to a final order of a Magistrate in Family Court.

recess: A short break in a trial ordered by the judge. See **adjournment** and **continuance**.

recidivist: Repeat offender.

reciprocity: A relationship where a state gives certain privileges to other states or the citizens of other states because the first state and its citizens get the same privileges in those other states.

record: A written list of the proceedings in a case, including all pleadings, evidence, exhibits, and any judgments submitted during the case.

record on appeal: A copy of the pleadings, evidence, exhibits, orders, and judgments, filed in a case in a trial court and a transcript of the testimony from the case.

records retention and disposal schedule: A system or plan for all records kept by a court that says what records can be disposed of and when.

recuse: For a person to remove him or herself from a case because of a conflict of interest. For example, a Judge may recuse him or herself from a case because of personal or professional involvement with one or more of the parties.

redact: 1. To edit or change. 2. To remove confidential information from a document.

redaction: 1. To hide or remove information from a document before publication or release. 2. A court rule in some courts that requires the removal of confidential personal information ("CPI") from court papers, like, social security numbers, birthdates, and tax information.

referee: A person appointed by the court to hear evidence and make a decision in a case or report back to the court. This person is also known as a Special Referee.

referral: The act of sending something to another person or agency for more information, help, services, etc.

Registration of Out of State Order of Support:

When a support order from one state is filed in a new state with the Clerk of the Court in following the rules of the Uniform Interstate Family Support Act. This allows the child and or supposal support order to be enforced in the new state.

rehabilitation: The idea that vocational, correctional, or other trainings given to convicted defendants will help them to re-integrate into society after release.

reinstated bail: When a court gives back money that was put up towards bail because it says that the defendant had a good reason for missing court. See **bail exoneration** and **bail forfeiture**.

released on recognizance (ROR): To be free from custody without bail while a case is pending. This is usually called parole.

relevant: A statement important for the proof of a point in a case.

relief: 1. Aid or help given to someone in need. 2. Legal remedy: What a court can do to fix a problem.

remainderman: The person who gets what is left at the end of the distribution of an estate, or at the end of a life tenancy, or the end of a trust.

remand: 1. When an appellate court sends a case to a lower court for more proceedings. 2. To return a prisoner to custody.

remand to ACS (Administration of Children's Services): The temporary removal of a child during a PINS or neglect/abuse case. During that period, the child is under the control of the Administration of Children's Services custody.

remanding order: An order to the sheriff to hold a defendant in custody until his or her next court appearance, or until bail is posted.

remittitur: The return of the records of a case from an appellate court to the original trial court. It has the appellate court's decision and may direct the original court to do something.

removal: A transfer of a juvenile defender case from criminal court to family court.

removal of barriers to remarriage form: This form is necessary when the marriage was blessed in a religious ceremony by a member of the clergy, minister of any religion, or The Society of Ethical Culture. It requires the person getting the divorce to swear that he or she has taken all steps to remove religious road blocks against the other person's remarriage.

rent control ordinances (Rent Control and Rent Stabilization): Laws that limit rent increases and give certain rights to tenants, like when a landlord or owner can evict a tenant. Rent Control and Rent Stabilization laws are carried out by the Division of Housing and Community Renewal (DHCR).

rental agreement: 1. A lease. 2. An verbal or written agreement between a tenant and a landlord, or a subtenant and a primary tenant, that makes the terms of the tenancy, like the amount of the rent and when it is due.

rental application form: A form that a landlord can ask a tenant to fill out before renting that asks for information about the tenant, like the tenant's current address, telephone number, employment history, and credit references.

rental unit: An apartment, house, duplex, condominium, space, or room that a landlord rents to a tenant. When a tenant uses the rental unit to live in, it is called a "residential rental unit."

renter's insurance: Insurance that protects the tenant's property against losses, including theft or fire. This insurance usually also protects the tenant against liability (legal responsibility) for claims or lawsuits filed by the landlord or by others who may say that the tenant negligently (without care) injured another person or property.

rent-to-own contract: an agreement between a manufactured home park owner or operator and a manufactured home renter that allows the renter to become the owner of the rented home after a certain time or event.

rent-to-own payment: money paid by manufactured home renters on a rent-to-own contract which are in addition to rent payments to live in the manufactured home.

renunciation of fiduciary letters: A notarized statement of an inability or unwillingness to act as a fiduciary.

repair and deduct remedy: After a tenant asks for a repair that the landlord does not fix, the tenant can make the repairs with his or her money, then take that amount from future rents. Before doing this a tenant must give notice of the repair in writing to the landlord and give the landlord a "reasonable" amount of time to to answer. All money paid to correct the repair must be proved with receipts (from repairmen, items bought to fix the problem, etc.).

replevin: Recovery of chattel (things). A case started to get an item back, not the money it is worth.

reply: A plaintiff's answer to a defendant's counterclaim.

reporter: A court official that writes down everything that is said during a trial, including the questions asked by the lawyers and answers made by the witnesses.

representation: 1. The act of standing in for, or acting for, another person: For example, a lawyer for a client. 2. A statement of an alleged (not proved) fact used to get someone to do something: For example, when a buyer counts on a seller's word that the roof does not leak. 3. Surrogate's Court. A way money is given out in an estate. This type of distribution (per capita) everyone gets the same amount at each generational level (EPTL1-2.16).

request for admission: A method of discovery where one party formally asks in writing the other party to admit the truth of certain facts. See **discovery**.

Request for Judicial Intervention (RJl): A form filed with the court to ask to have a Judge assigned to the case.

requisition: A written request to the court for a document. For example, asking the court for a copy of trial tapes.

res: Latin: "Thing." 1. What a case is about. 2. An object, an interest or a status, not a person.

res judicata: Latin: "Thing decided." 1. Issue decided by a judge. 2. A defense that says that an issue has already been decided between the same parties and can't be brought up again.

residence: The place where a person lives.

residential treatment center (RTC): In Family Court it is a campus, often outside New York City, where youth live in group homes or "cottages." New York City Children's Services can put a youth in an RTC if it thinks that a youth needs more supervision or more contact with a social worker.

respondent: 1. The person who answers a petition or is sued in a special proceeding. 2. The person who an appeal or a motion is made against. The respondent is the defendant in a case.

restitution: Putting someone or something back the way it was before a loss, injury, or some other damage. This can be done by fixing something or by giving the equal value in money.

restraining order: A court order that tells a person to stop doing something for a certain amount of time, usually until a court hearing is held. See **injunction**.

restore: 1. To bring a case back to court by putting it on the calendar. 2. To return something to its original condition.

retaliatory eviction: A defense where the tenant says that the real reason for a landlord's act, like raising the rent, is to evict or punish the tenant, because the tenant has asked for his or her rights.

revenue: The money received by a company, agency, or government.

reverse: When an appellate (higher) court changes the decision of a trial (lower) court.

review and adjustment: When current financial information is taken from both parties in a child support case by a IV-D agency and used to decide if a support order needs to be changed.

revocation: The act of taking away or canceling something, like probation or a driver's license.

rider: A written addition to a contract to change the terms or add new terms.

right of redemption period: The time when a borrower can stop foreclosure by selling the property, or paying off the loan, etc. In New York State this period ends when the property is sold at auction.

robbery: The illegal taking of property off of or in front another by violence or intimidation.



S

sanction: 1. A penalty or punishment to try to make someone obey the law. 2. Approval or authorization.

satisfaction: The payment of a judgment amount (money) by the losing party.

Satisfaction of Judgment: A statement from the judgment creditor filed with the court saying that the judgment has been fully paid. See **judgment creditor, judgment**.

seal: 1. Impression or stamp that has official meaning when put on to a document. 2. To close a case file from the public. The file can't be seen without a court order. See **confidential record, public record**.

search warrant: An order telling law enforcement officers to search a specific place for specific persons or things and to bring them to the court. See **Warrant**.

second violent felony offender: A person convicted of a violent felony (other than a class A1 felony) after having being previously convicted of 1 or more felonies in the past ten years.

security for costs: The money, property or a bond given to a court by a plaintiff or an appellant to cover the other side's costs if he or she loses.

security deposit: The money given to the landlord when a person first moves in to hold in case there is damage to the property. When a tenant moves out, if there is no damage to the property, the landlord must return this money to the tenant.

seizure: The taking of property by a sheriff or marshal when a judgment has not been paid.

self defense: The right of a person to protect him or herself or his or her property from harm.

self-represented litigant: A person who comes to court without attorney. Also called a *pro se* party or unrepresented litigant.

self-surrender: When a person turns him or herself in to jail, police, or the court.

sentence: 1. A Judge's formal statement about the punishment to be given to a person convicted of a crime. 2. The amount of time a person must serve for a crime.

sentencing guidelines: Rules made by the United States Sentencing Commission that trial Judges use to help them decide the sentence of a convicted defendant in a federal court case.

separate property: The property that a husband or wife owns by him or herself. In most cases this includes: 1. Things that were owned before the marriage. 2. Things that were received as a gift or by inheritance, at any time. Separate property is not included when figuring out how to divide property during a divorce.

separation: When a married couple agree that the relationship is over by agreement or court order.

separation agreement: A written agreement that lists the terms of separation. This usually says what money will be paid for child(ren), maintenance payments, division of marital property, child care and related issues. This agreement must be formally signed and witnessed (notarized) and covers the time before the divorce but after the separation.

separation date: Usually the date when one or both married people decide that the marriage is over and take some action to show this, like moving out of the house.

sequester: 1. To separate or hold aside to keep safe. 2. **Sequestered:** When jurors can't go home until a case is over.

service: The delivery of legal papers in a case. Service officially tells a person that something is happening in a case. If a party is not properly served it can be a reason for a case to be dismissed. The papers must be delivered by a person 18 years old or older who is not part of the case. This person must then swear in an affidavit about the date and method of delivery. See **personal service, substituted service**.

service of process: The delivery of court papers to the other side to start a case.

service by publication: After a court says that other ways of service won't work or have been unsuccessful it can allow service to start a case by putting a notice in a newspaper. See **service of process**.

service plan review (SPR) or planning conference: A meeting scheduled every three to six months where the youth's foster care agency explains his or her permanency plan and talks about what services are available to him or her. Youth have the right to know about their SPR, attend their SPRs and can bring a supportive adult with them.

settled:To resolve or reach an agreement.

settlement (settlement agreement): A formal, voluntary, signed, written agreement between the parties that solves the issues in a case before a Judge's decision or a jury verdict.

settlement of a transcript: Before an appeal, the steps in getting and fixing the record (transcript) of a trial.

sever: To separate parts of a case that can be brought to court in a new case.

sheriff: A person with the power to enforce the orders of the court. This person can take away personal and real property.

short sale: When the lender agrees to let the borrower sell the property for less than is owed on the loan. Money from the sale goes to the lender and he or she says the loan is paid off. This normally happens when the property is worth less than the amount still owed on the loan.

show cause: A court order telling a person to come to court and give any evidence why the request in the order should or should not be allowed or executed. An order to show cause is usually based on an affidavit (a sworn paper) asking the Judge to make certain decisions.

sine die: Latin: "Without a day." For example: "This case is adjourned *sine die*," means that the case is off the calendar and there is no future court date.

slander: False or malicious statements that are insulting or belittling and hurt a person's reputation. See **libel**.

small claims assessment review (SCAR): Special case started by an owner/resident of a one, two or three family building to question the amount of taxes of the building.

small claims case: A civil case for \$5,000 or less. See **small claims court**.

small claims court: The division of the trial court that handles civil cases asking for \$5,000 or less. The plaintiff can file either a small claims case or a regular civil case in superior court. Small claims court is simple, quick, and cheaper than a regular civil case.

small estate proceeding: A probate case for an estate worth less than an amount specified by law.

sole legal custody: A court order that says one parent has the legal right to make major decisions affecting the child, like health care, education, and religion. If the parents do not agree on a decision about the child, the parent with sole legal custody has the right to make the final decision alone. "Sole custody" does not give one parent the right to move away with the child without telling the other parent, unless the court order gives that right.

sole physical custody: See **primary physical custody**.

Special Assistant Corporation Counsel for the Commissioner of Social Services: Attorneys who represent Social Services in a Child Support Enforcement case.

special education: Instruction made to meet the needs of a child whose disability affects his or her ability to learn in a regular classroom.

special proceeding: A word for a type of case that asks for limited help or outcome (relief).

special referee: See **referee**.

special verdict: When a jury decides the facts in a case and the Judge decides how the law applies.

split sentence: A sentence in which part of the time is served in jail and the rest on probation.

spousal support: Court-ordered money given by one married person to the other or the ex-wife or ex-husband. Also called "maintenance" or "alimony."

spouse: Husband or wife.

squatter: Someone who started living in the home without anybody's permission.

standard proof: The level of proof required to win a type of case. For example, in criminal cases the level of proof is "beyond a reasonable doubt."

standing: The right to take part in a case because you have a legal claim or want to enforce a duty or right.

State Case Registry (SCR): A database (record) kept by each state that has information on individuals in all IV-D cases and all non-IV-D orders made or changed after October 1, 1998. See **IV-D**.

State Directory of New Hires (SDNH): A database (record) kept by each state, that has information about newly hired employees in that state. See **new hire reporting**.

State Parent Locator Services (SPLS): A unit in each state's child support agency that finds noncustodial parents to force child support payments, visitation, and custody orders or to establish paternity.

statement of facts: Any written or oral list of facts in a court case. The part of a judge's decision that says what the facts are in a case.

statement in lieu of record on an appeal: A question to an appeals court where only the part of the record needed to answer a question is sent.

statute: A formal rule or law.

statute of limitations: The time period when a case must be started. For example, New York State has a 6 year statute of limitations for breach of a written contract. If John did not honor a contract with Susan on January 1, 2010, Susan must file her lawsuit before January 1, 2016. If the deadline passes, the "statute of limitations has run," or the claim is "time-barred," and Susan can't sue. There are very few conditions that let the time period be extended or kept from running ("**tolled**").

stay: An order by a court that stops the case until something else happens.

stipulated judgment: An written document between the parties in a case where they agree to a judgment and other terms. After the agreement is signed by a Judge it is the final decision in a case.

stipulation: An agreement on an issue between the parties in a court case.

strike: To erase or take away. For example: "To strike a case from the court's calendar," means to take the case off the calendar.

sua sponte: Latin: "Of one's own accord." Voluntarily. Commonly used to describe when a Judge does something without being asked.

sublease: A separate rental agreement between the original tenant and a new tenant that rents all or part of the original tenant's place. The new tenant is called a "subtenant." The agreement between the original tenant and the landlord is still the same, and the original tenant continues to be responsible for paying the rent to the landlord and for other tenant obligations.

subpoena: A court document used to make a witness testify (speak in court) or bring records. If a person does not do what the subpoena says, he or she may be in contempt of court.

subpoena duces tecum: A court document that says that papers must be brought to certain place at a specific time.

subrogate: To substitute one person for another in a legal claim.

substituted delivery: A type of legal service. The court papers are left with someone who lives or works at the person's address and copies are mailed to the party.

suit: A court case.

suitable age and discretion: The words used to describe the type of person that court papers can be left with. Usually must be someone who will give the papers to the right person. For example, this person shouldn't be a child or someone mentally challenged.

sum certain: A fixed amount of money or an amount that can be figured out from the document. For example, \$900 is the "sum certain" of "three month's rent at \$300.00."

summation: The closing arguments by both the prosecution and the defense made to the jury before it makes a decision. Each side reviews the evidence and tries to sway the jury to their views. The prosecution must present a summation. The defense can choose not to make a summation.

summary judgment: A decision made by a Judge when the parties agree on the facts but not on how the law applies to the facts. There is no trial and the Judge makes a decision based on the statements given.

summons: A notice to a person that he or she is being sued. It lets him or her know where and when the answer must be filed. It also lets the person know that if he or she does not answer by the deadline a default judgment may be entered against him or her.

summons with notice: A legal paper that starts a case and makes the other party (the defendant) file a Notice of Appearance and ask for a complaint by a certain period of time. It says the reason for the action and may also have requests for relief.

Superior Court Information (SCI): A written document that lists the felony and/or misdemeanor charges against the defendant. It is filed by the District Attorney with a superior court when a defendant waives his or her rights to a grand jury hearing.

supervised visitation: Visitation between a parent and a child that happens in front of a person named by the court. The court can order supervised visitation when there has been domestic violence, child abuse, or a threat to take the child out of state.

support: Payment for housing, food, clothing, and related living expenses.

Support Collection Unit (SCU): A part of the Human Resource Administration that collects, accounts for, and pays out money, because of an order of support. See **A&R Support Statement**.

Support Magistrate: Person who can hear and decide support issues in Family Court

support order: A court order that decides the how much money should be paid for the support of a child or spouse (husband or wife). A support order can include money; health care; payment of debts; or repayment of court costs and attorney fees, interest, and penalties; and other kinds of support. See **noncustodial parent, obligation, and obligor**.

Support Petition: A request to the court to say who is legally responsible for the support of a child, a spouse or a relative, and how much support should be paid.

suppress: To stop or prevent something from being seen or heard.

suppression hearing: A pre-trial proceeding in a criminal case to decide if getting evidence was done in the right way. If procedures were not followed the right way, the evidence can't be used.

Supreme Court: 1. The highest level trial court in New York State. 2. The Supreme Court of the United States is the highest level court in the country.

Supreme Court Clerk's Office: An office, separate from the County Clerk's Office, that provides help and official support to the Supreme Court in New York.

surety: A person who agrees to be responsible for the debt or obligation of another person.

surety bond: An agreement by an insurance company, where the insurer promises to pay the court money (bail) if the defendant does not come to court when he or she is supposed to.

surety bond register: A book, or record, available to the public that has information about each surety bond filed with the court. It is used by insurance companies to see what's happening with outstanding bail bonds. A company can find out from the register if bail conditions have been met.

Surrogate's Court: The court that has power over the affairs of someone who has died, guardianships, and oversees fiduciaries.

surrogate parent: A person who volunteers or is appointed by the court to act as a parent of the child.

suspend: To stop or put off for the time being.

suspended judgment: An order that sets the conditions for a certain amount of time to give a person a chance to do something that can result in the case being dismissed (thrown out).

suspended sentence: In criminal law, this means the defendant doesn't have to serve the sentence at the time the sentence is given.



T

temporary administrator: Person appointed to manage, but not distribute, the assets of an estate until a permanent administrator is appointed.

Temporary Assistance to Needy Families (TANF): Payments made to poor families for a limited time, based on title IV-A of the Social Security Act.

Temporary Order of Support (TOS): An order given during a case that says who should pay support while the case lasts.

Temporary Order of Protection: A court order requiring the defendant to stay away from someone until the criminal case is resolved.

temporary restraining order (TRO): A court order that says a person must not do certain things that can cause harm that can't be fixed. It can be done immediately, with no notice to the other party and with no court hearing. It lasts only until a hearing can be held. TROs are often used in domestic violence cases to protect a person from violence or the threat of violence.

tenancy: The tenant's right to use and control the landlord's rental unit. This is created by a rental agreement, either spoken or written, between the landlord and the tenant.

tenancy at will: A right to occupy property for as long as the tenant wants. The right is given by the property owner or landlord. Ending a tenancy at will needs the same legal procedure as in ending a month-to-month tenancy.

tenant screening service: A business that collects and sells information on tenants, like if they pay their rent on time and if they have been defendants in eviction cases.

tenant: A person who rents or leases a rental unit. The tenant has the right to use and stay in the rental unit for the lease or rental period of time.

terms: A time frame during which a court conducts its business.

Terminate Parental Rights Petition (B Petition): A request to the court by an agency to end parental rights of a child who is already in foster care. This is done when the agency believes that the parents have not kept in contact or planned for the child's future, or have abandoned or abused the child, or they are mentally ill or disabled in a way that can harm the child.

termination of parental rights: When a Judge or referee makes a decision to end a parent or legal guardian's rights or obligations over his or her child or children. This happens in a child abuse or neglect case where the Judge or referee thinks a youth is in great danger, or when a youth has been in foster care for 15 out of 22 months.

testate: Having made a will or having died leaving a valid will. See **intestate**.

testator: A person that has made a will or that has died leaving a legal will.

testify: To give evidence under oath as a witness in a court case.

testimony: Statements made by witnesses under oath.

theft: Taking another person's personal property (watch, jewelry, car, etc.) with the plan to keep it from the owner. See **larceny**.

third party: A party to an action who is not the original plaintiff or defendant.

third-party action: When a defendant in a case sues another party and brings him or her into the case.

ticket: A citation, usually for a traffic violation.

time waiver: When a party agrees to give up the right to certain time limits.

time-share: A plan that says when parents can spend time with their children. Also called visitation or parenting plan.

title: The ownership or proof of ownership of land or other property.

toll: To stop a statute of limitations (time limit) and allow the filing of a case.

tort: 1. An injury or wrong against a person. 2. Not doing some duty required by law or custom that harm another person.

tortfeasor: A person that commits or is found guilty of a tort.

traffic infraction: A violation of the New York State Vehicle and Traffic Law that is not a misdemeanor or felony. It is called a petty (small) offense.

transcript: A record of every word said at a trial or some other formal conversation like a hearing or deposition.

transcript of judgment: A document with information on a lower court's judgment that is filed in a court of general jurisdiction to make that judgment enforceable (they can act on it) in other courts and counties of New York State.

transfer: A Judge's order to move a case from one court to another.

trespass: 1. Going on someone's land without permission. 2. An act against a person or property of another that is not legal.

trial: A proceeding where the parties give the facts and laws to a Judge for a decision. It can be a bench trial, a trial that is heard and decided by a Judge or it can be a jury trial, that is a trial that is heard and decided by a jury.

trial court: The first court to hear a case. See **appellate court**.

trial de novo: a new trial; a trial de novo is held before a judge or jury when a party rejects an arbitration award. The right to a trial de novo may be given up by both sides before arbitration.

trial discharge: The six months time period when foster care youth are still in the custody of the New York City Children's Services, but can live on their own. All youths being discharged to independent living or another planned permanent living arrangement (APPLA) must have a trial discharge. After the six months trial period, a trial discharge will be a final discharge unless the youth asks for the trial period to go on for longer.

trust fund: Money, stocks, bonds, or securities held under the control of someone for the use and benefit of another person.

trust items: The specific things held in trust.

trustee: 1. The person that has custody of or control over money or things for the of another. 2. Bankruptcy Court: A person who represents the interests of the bankruptcy estate and the unsecured creditors. 3. Surrogate's Court: A person (a fiduciary) named in a will or trust to be in control. The trustee's responsibilities may include selling the property of the estate, making distributions, and bringing cases to recover property.

turnover proceeding: A special proceeding against a person who is not a party in a case who has property or money that belongs to a person who owes a judgment, and it asks the court to have him or her give the property or money to the person who won the judgment.



U

U.S. attorney: A lawyer appointed by the president of the United States in each federal judicial district to prosecute and defend cases for the federal government.

unbundled legal services (or unbundling): A practice where a lawyer and a client agree that the lawyer will do only some of the work in a case, but not the whole case (bundle). Also called "limited-scope representation."

unclaimed funds: 1. Money that can't be given out because the identity or the address of the person receiving the money (payee) is unknown.. 2. Any money due to a person but the person has not gone to collect it.

unconditional discharge: The release of a defendant without any rules. The discharged person may have to pay a fine or make restitution, as well as pay a surcharge for the crime victim's assistance fee.

uncontested divorce: This is when there are no disagreements between the parties over financial or other divorce issues and the other side agrees to the divorce or does not answer the case.

undertaking: 1. A promise, a deposit of a sum of money, or a filing of a bond in a case to get permission from the court or the other party to do something. 2. Family Court: Order by the court making a person give cash or a bond to the court or the Support Collection Unit (SCU) to be sure support is paid.

unemancipated children: Children under the age of 18 who are supported by a parent or guardian. See **emancipation**.

Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA): The law that gives the court the power to deal with custody and visitation issued between people who live in different states.

Uniform Interstate Family Support Act (UIFSA): The law that gives the court the power to make and force its child and/or spousal support orders in different states.

uninhabitable: A rental unit that has problems or repairs so serious that they hurt the tenant's health or safety. This happens when the space is not fit for people to live in, or if does not follow important building and safety rules that can hurt the tenants' health and safety. See **habitable**.

unlawful detainer: 1. When a person continues to hold some real property (land, apartment, house) that he or she no longer has the right to use. 2. A common law term for a case where a landlord tries to evict a tenant for the reason that the tenant no longer has the right to live on the property.

unreimbursed public assistance: The money paid by the government to cover the support of a child that a parent that was ordered to pay, but the parent has not yet paid back.

unrepresented litigant: A person who comes to court without an attorney. Also called a *pro se* party or self-represented litigant.

uphold: When an appellate court agrees with the lower court's decision. See **affirmation**.

urine test: A medical test of a urine sample to see if it shows alcohol or some other drug.

use and occupancy: Also called "U and O." Payment for the use of a space by a person. The person is not a tenant, but he or she may have been one in the past. See **rent**.



V

vacate: To cancel or end an order of a court.

vacating a default judgment: Removing a judgment that was based on a person not coming to court or answering a case. See **default judgment**.

venire: Latin: "To come." The group of people called for jury duty, and the jurors picked from the group. Also called the jury pool.

venue: The place (county, city or state) where a case can be heard.

verdict: The decision made by a jury.

verification: A statement in writing, made under oath, that says something is true.

verified: When a document is sworn to be true and is signed in front of a notary public saying that the facts made in that document are true. See **acknowledgment**.

victim impact statement: Comments from the victim or the victim's family made during sentencing proceedings to let the Judge know how the crime affected the victim and/or his or her family.

violation: 1. A breach of a right, duty or law. 2. Criminal Court: An offense where a person can be sentenced to no more than 15 days in jail. 3. In Housing Court: A condition defined by the NYC Housing Maintenance code.

visitation: 1. The right of a non-custodial parent to be with the child. 2. A plan that says when a parent will spend time with his or her child. Also called **time-share**.

voir dire: French: "To speak the truth." The process by which Judges and lawyers choose members of the jury by questioning them to make sure they can decide the case in a fair way.

voluntary administrator: A person allowed to settle a small estate.

Voluntary Foster Care Placement Petition (L Petition): When a parent or guardian can't care for a child, he or she can sign a voluntary agreement to allow the child to be placed in temporary foster care through a social services agency. The foster parents who a child is placed with can be relatives of the child.

The child can also be placed in a group home. If the child is to stay in foster care for longer than 30 days, the social services agency that is responsible for supervising the child's foster care must file an L petition in Family Court.



W

Wade Hearing: A proceeding to ask the court to suppress the identification of a defendant because the police identification procedure was illegal or suggestive.

wage assignment: A voluntary agreement by an employee to send (or assign) parts of future earnings (money) to pay a debt, like child support.

wage attachment: An involuntary (person does not want to) transfer of a portion of an employee's salary to repay a debt. See **income withholding** and **wage withholding**.

waiver of immunity: A signed paper by a witness who agrees to testify even if things said may be used against him or her later (gives up the privilege against self-incrimination).

waiver of indictment: A paper signed by the defendant agreeing to give up his right to a Grand Jury Hearing.

wage garnishment: 1. The legal steps to make an employer of a judgment debtor hold back a portion of his or her salary to satisfy a judgment. 2. The money held back by an employer to pay off an employee's debt.

wage withholding: The legal steps that lets deductions be made from wages or income on a regular schedule. The deductions are used to pay a debt, like child support. Wage withholding often is put into a child support order. It can be voluntary (agreed to) or involuntary (not agreed to). Also known as "income withholding." See **direct income withholding**, **earnings assignment**, and **income withholding**.

waiver: 1. Agreeing to give up a legal right, and understanding what it means and what it will do. 2. Noun: A waiver. A paper signed by a person giving up a legal right.

waiver of rights form: A form signed by a defendant and the Judge that says what legal rights are given up by the defendant.

ward of the court: A youth that is under the care and control of the juvenile court and not his or her parent(s).

warrant: An order in writing that is issued and signed by a Judge or judicial officer telling a peace officer to do something. There are many different kinds of warrants: 1. An **arrest warrant** orders a peace officer to bring the person accused of a crime to court. 2. A **bench warrant** is a Judge's order to arrest and bring a person to court because the person did not appear in court when he or she was supposed to. 3. A **search warrant** is an order telling law enforcement officers to search a specific premises for specific persons or things and to bring them to the court. 4. A **warrant of eviction** in Landlord/Tenant Court describes the place and allows a marshal or sheriff to remove the occupants and give possession to another.

warranty of habitability: A promise that goes with the rental of residential property that it will be fit for people to live in (habitable). This includes having working plumbing, gas, electrical and heating systems, hot and cold running water, locking doors and windows, a roof that does not leak, windows, walls and doors, and other health and safety conditions, including clean and sanitary maintenance of the building and grounds, enough bins to store garbage and no rodents or vermin. This promise is part of the law, even if the landlord does not include it in the lease or rental agreement.

waste: Permanent damage to real property.

will: A legal paper that lists a person's wishes about what will happen to his or her personal property after death.

Willfulness Hearing: When a Judge decides if someone wanted to disobey an order of support in a child or spousal support case.

with prejudice: 1. Words used when rights or privileges are lost. 2. The outcome of a case that keeps a person from using the same claim again in future cases.

without prejudice: 1. Words used when rights or privileges are not waived or lost. 2. The outcome of a case that allows a person to use the same claim again in future cases.

witness: A person who testifies to what he or she has seen, heard, or experienced.

writ: A court order in writing that says that a certain action must be taken, for example, making a person to appear in court. There are many different kinds of writs: 1. A **writ of attachment** is an order to seize (take) specified property. 2. A **writ of certiorari** is an order by an appellate court granting or denying a review of a judgment. 3. A **writ of execution** is an order to enforce a court judgment. 4. A **writ of Habeas Corpus** is an order to release someone that was put in prison but it was wrong. 5. A **writ of Mandamus** is an order to perform an act already part of a person's duty. 6. A **writ of prohibition** orders a person who has a duty to perform an act to stop doing it. This is usually an order from a higher to a lower court. This is the opposite of a writ of Mandamus.

wrongful death action: A case brought by family members (or person who would take under the will, like a beneficiary) of a person who has died because of an improper, negligent or illegal act of another person that caused their family member's death.



Y

Youth Part: Special judges and courtrooms in the Supreme and County Courts that address the unique issues of prosecuting **Adolescent Offenders** or **Juvenile Offenders** charged with certain felonies.

Youthful Offender (Y.O.): A person who is sentenced for a crime that happened when he or she was 14, 15, 16, 17 or 18 years old and is given youthful offender status by the judge. Being a youthful offender gives the teen a chance to have no record of the crime.



Z

zoning: Laws that control the type and use of lands and buildings.

